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Agenda item 44
Question of the Falkland Islands (Malvinas)

Note verbale dated 3 October 2013 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Cuba to the United Nations presents its compliments to the Secretary-General and would be grateful if the "Declaration issued at the first meeting of the Central American and Caribbean Groups for Solidarity with Argentina on the Question of the Malvinas held in Havana on 13 September 2013", a copy of which is transmitted herewith (see annex), could be issued as a document of the General Assembly under agenda item 44 concerning the question of the Malvinas Islands.

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Annex to the note verbale dated 3 October 2013 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Declaration of Central American and Caribbean Groups for Solidarity with Argentina on the Question of the Malvinas

The Malvinas Solidarity Groups of the Central American and Caribbean countries met for the first time on 12 and 13 September 2013 in Havana, Republic of Cuba. On that occasion, and on behalf of the Solidarity Groups established in our countries Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama and Trinidad and Tobago, we the participants make the following declaration:

- We affirm that the question of the Malvinas Islands is a matter of high priority for all of the countries of Central America and the Caribbean here represented.
- We reiterate that the question of the Malvinas Islands is a matter of sovereignty. It is not the concern solely of the Argentine Republic, but also of the Latin American and Caribbean region as a whole, whose own sovereignty has been endangered on numerous occasions. It can in no event be seen as an isolated question of decolonization.
- We reaffirm our strong support for the legitimate sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which constitute an inseparable part of that fraternal Latin American country.
- We stress that, 180 years after unlawfully occupying the Malvinas Islands, the United Kingdom of Great Britain and Northern Island should, in accordance with General Assembly resolution 2065 (XX), accept and reopen sovereignty negotiations with the Argentine Republic.
- We express our concern at the United Kingdom's illegal exploration and exploitation of renewable and non-renewable natural resources on the Argentine continental shelf. Those activities contravene General Assembly resolution 31/49, which calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended by the General Assembly.
- We condemn the growing militarization of the disputed area by the United Kingdom, something that is a cause of concern for the countries of the region.
- We appreciate the recent statements made by intergovernmental forums of the region concerning the question of the Malvinas Islands.
- We emphasize that the policy of our States reflects the opinion of civil society in the countries of Central America and the Caribbean here represented. That position consists of firm support for the Argentine position in favour of a peaceful and negotiated solution to the sovereignty dispute with the United Kingdom of Great Britain and Northern Island concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

- We thank the Government of Cuba for its firm and energetic position on the question of the Malvinas Islands and for the actions taken by its Minister for Foreign Affairs, Bruno Rodríguez Parrilla who, in March 2013, accompanied the Minister for Foreign Affairs of Argentina, Héctor Timmerman, in his meetings with the Secretary-General of the United Nations, Ban Ki-moon, and the Chair and members of the Special Committee on decolonization. On that occasion, Cuba spoke on behalf of the Community of Latin American and Caribbean States (CELAC), expressing the region's support for the rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, in accordance with the communiqué adopted by the Summit of CELAC on 28 January 2013.

- We reaffirm the key objectives for which the Solidarity Groups were founded.

We hereby decide:

(i) To disseminate the principles underlying the legitimate, inalienable and imprescriptible sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas;

(ii) To encourage the creation or establishment of open lectures at public and private universities to study and raise awareness of the question of the Malvinas Islands, their decolonization and the transfer of sovereignty over the territories of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas; to make use of modern information and communication technologies, social networking sites and e-mail, and to create Internet sites on the topic, in order to facilitate interaction among members of the Groups, foster interest among younger persons and ensure continuity from one generation to the next;

(iii) To take actions contributing to the resumption of sovereignty negotiations in accordance with General Assembly resolution 2065 (XX) and other resolutions on the question of the Malvinas Islands, in support of continued dialogue in the Special Committee on decolonization, as was proposed at the meeting concerning resolution 2065 (XX) that was held in June 2013;

(iv) To press ahead with a range of actions bolstering the solidarity of Central American and Caribbean countries with the Argentine cause, including new initiatives in pursuit of the aforementioned objectives;

(v) To thank the Republic of Cuba and the members of the country's Solidarity Group for their hospitality, generosity and friendship.

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Sixty-eighth session
Agenda item 115 (c)
Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 7 October 2013 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Office of the President of the General Assembly and has the honour to refer to the candidature of the United Kingdom for election to the Human Rights Council for the term 2014-2016 at the elections to be held on 12 November 2013, during the sixty-eighth session of the General Assembly in New York.

The Permanent Mission of the United Kingdom requests the Office of the President of the General Assembly to have the present note and the annex thereto, entitled "Voluntary pledges and commitments of the United Kingdom on human rights, 2013", circulated as a document of the General Assembly.

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Annex to the note verbale dated 7 October 2013 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

Voluntary pledges and commitments of the United Kingdom on human rights, 2013

1. Rights of persons with disabilities

We have set out our approach, based on the principles of the Convention on the Rights of Persons with Disabilities, to enable disabled people to fulfil their potential and play a full role in society.

We are committed to making a living reality of the rights enshrined in the Convention, through our policies and practices that are supported by a substantial body of legislation, including the Equality Act 2010.

2. Children's rights

The United Kingdom protects children through a substantial body of legislation which encompasses the principles of the Convention on the Rights of the Child. These laws create an effective national framework to support positive outcomes for children. We have established Commissioners for Children and Young People across the United Kingdom.

We will further increase our focus on children and their families, through ongoing support and protection so that all children have the best start in life and can fulfil their potential.

3. Women's rights

The United Kingdom is proud to be at the forefront of progressing gender equality domestically through our comprehensive equality legislation and our commitment to the Convention on the Elimination of All Forms of Discrimination against Women. We have also placed women and girls at the heart of our international development work through the delivery of our "Strategic Vision for Girls and Women".

We pledge to work internationally to increase the number of women in decision-making positions, delay first pregnancy, reduce the level of maternal mortality and increase women's economic well-being and access to justice.

4. Discrimination against minorities

The United Kingdom is committed to tackling all forms of discrimination, including crimes committed against minorities. The United Kingdom has formulated a National Action Plan that will tackle the causes of hate crime. We will continue to promote our established legislation in multilateral forums.

In the United Kingdom, we will challenge attitudes and encourage early intervention, build victim confidence to report and work with partners to improve the operational response to hate crimes, including dealing with offenders robustly.

We will promote good practice on tackling hate crime and improving the evidence base, so that resources can be focused where they are needed.

5. Freedom of expression

The United Kingdom is a strong supporter of freedom of expression, including on the Internet, and promotes this as an essential element of our work on democracy and human rights internationally. We support the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and supported the first cross-regional resolution on freedom of expression on the Internet at the Human Rights Council. We will speak out in favour of freedom of expression and encourage countries to uphold their international obligations in line with United Nations standards. In particular, we will condemn any violence associated with the expression of views. In this context, we look for those responsible for violent acts to be brought to justice.

6. Freedom of religion or belief

The protection and promotion of the right to freedom of religion or belief is one of the United Kingdom's key human rights priorities as it is a fundamental right which underpins many other human rights. Where freedom of religion is under threat, normally other freedoms are restricted too.

We are committed to working more effectively with international partners and with civil society and faith leaders to promote awareness of the need for greater acceptance and understanding between followers of different faiths and in support of religious freedom for people of all religions or none.

7. Business and human rights

We played a key role in the development and endorsement of the Guiding Principles on Business and Human Rights. We held an international conference on the Guiding Principles with the cooperation and involvement of the Working Group on business and human rights. We are one of the first Governments working to develop a national strategy, which will communicate the Government's expectation that United Kingdom companies will respect human rights wherever they operate. The United Kingdom dedicated £750,000 in 2012 to overseas project work to promote awareness and implementation of the Guiding Principles. We will promote widespread international uptake up of the Guiding Principles and support the Working Group.

8. Preventing sexual violence in conflict

We remain committed to the full implementation of Security Council resolution 1325 (2000) and associated resolutions on women and peace and security, and accordingly have developed a National Action Plan. In 2012, we contributed £1 million to support the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

We have launched a Preventing Sexual Violence Initiative, through which we intend to strengthen international efforts and coordination on this issue in conflict and post-conflict situations. We will work closely with United Nations and Group of Eight partners as we aim to tackle impunity and support survivors.

9. Preventing violence against women and girls

The United Kingdom is significantly scaling up our programme work, as well as building the global evidence base on what works to tackle violence against women and girls. The United Kingdom currently provides £13.25 million to the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The United Kingdom has ongoing programmes addressing violence against women and girls in 20 developing countries, and we work in an additional 22 countries, through UN-Women and civil society.

We pledge to work on research and innovation that will focus on the areas of prevention, domestic violence and violence against women and girls in conflict and humanitarian settings.

10. Preventing torture

We work to combat torture wherever it exists: the United Kingdom was one of the first States to ratify and implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

We will encourage ratification of the Convention and the Optional Protocol thereto, and will assist other Governments to prohibit and prevent torture.

11. Tackling contemporary slavery

We are committed to tackling modern forms of slavery. The United Kingdom has ratified the Council of Europe Convention on Action against Trafficking in Human Beings and signed up to the European Union Directive on human trafficking to demonstrate our commitment to tackle this horrific crime.

We have taken action at the national and global levels and will continue to encourage other Governments and the international community to stop modern-day slavery and trafficking in human beings.

12. Working effectively within the international human rights system

We are committed to a strong, effective international human rights system. We believe the independent United Nations human rights treaty monitoring body system is essential to the protection of human rights globally.

We will continue to nominate candidates for membership of the treaty monitoring bodies after an open and transparent selection process to determine expertise. We will cooperate with special procedures of the Human Rights Council and will take steps to improve our response rate to their communications. We will support the independence and the work of the United Nations High Commissioner for Human Rights and her Office.

13. Making the universal periodic review a success

We are committed to the success of the universal periodic review mechanism. The value of the universal periodic review lies in its universal nature, constructive spirit and complementarity with other procedures, and we are determined to uphold these fundamental principles.

We will work to ensure that the universal periodic review process embeds fully, and commit to submitting no more than two clear, focused and implementable recommendations to each United Nations Member State. We consider the universal periodic review to be an ongoing process, and in this spirit commit to a midterm report on progress against all the recommendations we received. We also pledge to assist others by sharing our experiences and offering advice and support where requested.

14. Tackling human rights crises

We believe the Human Rights Council should respond to situations of human rights concern, wherever and whenever they occur. We will consider Human Rights Council responses according to the severity of the situation on the ground, in an impartial, non-selective manner, and will consider other factors — such as whether there has been a call for action by United Nations bodies, whether the situation is already under constructive consideration by the Human Rights Council, and whether there is cooperation with the United Nations human rights mechanisms.

We pledge to tackle human rights situations and crises, through either support and dialogue or greater scrutiny, in accordance with their specific requirements.

15. Mainstreaming human rights throughout the United Nations

The Human Rights Council has a unique role within the United Nations system. But, as agreed by United Nations Members, the pillars of the United Nations — development, peace and security, and human rights — are interlinked and mutually reinforcing.

We are committed to promoting human rights within the development and peace and security pillars of the United Nations. This includes ensuring that the Security Council has access to the necessary human rights information on which to base its decisions.

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Sixty-eighth session
Agenda item 52
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

Report by the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 67/120, in which the Assembly requested the Secretary-General to report to the Assembly at its sixty-eighth session on the implementation of the resolution. The report focuses on the different ways in which the Government of Israel has contributed to the creation and expansion of settlements by controlling the land and granting benefits and incentives to settlers. It also addresses the failure of the Government of Israel to maintain public order and the lack of accountability for settler violence. In addition, the report includes an update on Israeli settlement activities in the occupied Syrian Golan. The report covers the period from 1 July 2012 to 30 June 2013.

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I. Introduction

1. In its resolution 67/120, the General Assembly expressed grave concern about the continued settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan by Israel, the occupying Power, in violation of international humanitarian law and relevant United Nations resolutions, among other things. The Assembly recalled the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 (see A/48/486-S/26560, annex) and the subsequent implementation agreements between the Palestinian and Israeli sides as well as the obligations contained in the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, emphasizing its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001. The Assembly also expressed grave concern about incidents of violence, destruction, harassment, provocation and incitement by armed Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians and their properties, and called for the prevention of all acts of violence, destruction and provocation by Israeli settlers against them. In relation to both the Occupied Palestinian Territory and the occupied Syrian Golan, the Assembly reiterated its demand that Israeli immediately and completely cease all settlement activities and, in that regard, called for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979), 465 (1980), 476 (1980) and 1515 (2003).

2. The present report is submitted in response to the request of the General Assembly in resolution 67/120. The reporting period is from 1 July 2012 to 30 June 2013, although additional important information from July 2013 is included where relevant. The information contained in the report is based on monitoring and other information-gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations (NGOs) and media sources. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements (A/64/516, A/65/365, A/66/364 and A/67/375).

3. Previous reports by the Secretary-General have analysed the impact of settlements on the rights of Palestinians, underscored the discriminatory nature of the policies and practices of promoting settlements in the West Bank, including East Jerusalem, provided updates on settlements, and explored specific concerns, such as settler violence and the impact of the wall on Palestinian communities. The present report indicates that the Government of Israel has played a leading role in the creation and expansion of settlements by controlling the land and granting benefits and incentives to settlers, and through omissions, such as the failure to maintain public order and ensure accountability for Israeli settlers. The report analyses the impact of these actions and omissions on the human rights of Palestinians. Further, the report includes an update on Israeli settlement activities in the occupied Syrian Golan.

II. Legal background

4. As the Secretary-General has pointed out in previous reports, international humanitarian law and international human rights law apply to the actions of Israel in the Occupied Palestinian Territory (see A/67/375, para. 4). The Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 (Fourth Geneva Convention) and the Hague Regulations[1] set out the responsibilities of Israel in its capacity as the occupying Power in the Occupied Palestinian Territory. The applicability of the Fourth Geneva Convention and, notably, article 49 to the Occupied Palestinian Territory was affirmed by the International Court of Justice[2] and has been reaffirmed by the Security Council (resolutions 799 (1992) and 1860 (2009)), the General Assembly (resolutions 66/79 and 67/121) and the Human Rights Council (resolutions 19/17 and 22/28). Article 49 of the Fourth Geneva Convention establishes that the "Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". In addition, the International Court of Justice affirmed that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, have been established in breach of international law (see A/ES-10/273 and Corr.1, para. 120).

5. In the Occupied Palestinian Territory, Israel is also bound by international obligations contained in the human rights treaties that it has ratified (see A/67/375, para. 5). Israel has disputed the application of international human rights treaties to the Occupied Palestinian Territory. However, United Nations treaty bodies responsible for reviewing the compliance of States with human rights treaties have consistently reiterated that Israel is obliged to implement its human rights obligations in the Occupied Palestinian Territory.[3] This has been confirmed by the International Court of Justice (see A/ES-10/273 and Corr.1, paras. 102-113).

III. Overview

6. In September 1993 the Government of Israel and the Palestine Liberation Organization (PLO) signed the so-called Oslo Accords, which temporarily divided the West Bank into three administrative zones, referred to as Areas A, B and C. This territorial division continues to be used in the West Bank. Area A, which comprises 18 per cent of the territory of the West Bank, includes mainly the major Palestinian cities, and is under Palestinian security and civil authority. Area B, 21 per cent of the area of the West Bank, comprises most Palestinian rural communities, in which civil authority is under the Palestinian Authority, while security responsibilities are under Israeli authorities (initially joint security control). Area C, approximately 61 per cent of the area of the West Bank, is under almost full Israeli military and civilian authority, including with respect to law enforcement and the building and planning regimes.

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[1] The Hague Regulations are annexed to the Hague Convention Respecting the Law and Customs of War on Land of 18 October 1907 (Convention IV).

[2] Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, of 9 July 2004 (A/ES-10/273 and Corr.1), para. 101.

[3] See concluding observations contained in documents CERD/C/ISR/CO/14-16, para. 10; and CRC/C/ISR/CO/2-4, para. 3.

7. On 28 September 1995, the Interim Agreement on the West Bank and the Gaza Strip was signed by Israel and PLO. It details the steps that Israel and PLO were committed to take and the arrangements between them for the interim period of negotiations. Final clause 7 of annex XXXI of the Interim Agreement provides that "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations". Final clause 8 of annex XXXI adds that "The two parties view the West Bank and Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period".

8. Twenty years after the Oslo Accords were signed, many of the commitments contained therein remain unfulfilled. During the reporting period, Israeli settlements in the West Bank, including East Jerusalem, have grown continuously. According to the Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory, between 1967 and December 2012, Israel established around 150 settlements in the West Bank, including East Jerusalem; 18 of them were established after 1993.[4] In addition, some 100 so-called outposts[5] were erected by settlers, most of them after the signing of the Oslo Accords.[6]

9. It is difficult to estimate the amount of Israeli public resources involved in the construction and expansion of settlements in the Occupied Palestinian Territory because allocations to settlements are not specified in the national budget. Most items of the budget are worded in a general way without a geographical breakdown and without listing the communities to which the resources are allocated.[7] Even the State Comptroller stated that it was not possible to identify the portion of the budget directed to the West Bank.[8] In addition, information on State investments made through the Settlements Division of the World Zionist Organization, whose role is to assist the Government in establishing settlements, including in the Occupied Palestinian Territory,[9] is not public.

10. Estimations of the current settlement population in the West Bank, including East Jerusalem, range between 500,000 and 650,000 (see A/67/375, para. 7). The settler population living in the West Bank (excluding East Jerusalem) has almost

[4] According to Peace Now, 11 settlements were established in East Jerusalem after 1993: Ramat Shlomo (1994), Shimon Hatzadik (2001), Emek Zurim (2003), Hashalom Forest (2006), Beit Hachoshen (2006), Ma'ale Zeitim (1998), Beit Yonatan (2006), Kidmat Zion (2006), Jabel Mukabber (2010), Nof Zion (2004) and Mosrara East (2004). Seven settlements were established in other parts of the West Bank after 1993: Bruchin (1999), Har Shmuel (1998 — officially part of Givaat Ze'ev), Kfar Ha'oranim (1998), Modi'in Ilit (1996), Negohot (1999), Nirit (expanded into the West Bank around 2004) and Sansana (1999).

[5] Outposts are settlements which although often established with some kind of Government support are not officially recognized under Israeli law.

[6] According to Peace Now, 3 out of 100 outposts were established before 1993: Tal Menashe (1991), Nerya (officially part of Talmon — 1991), and Shvut Rachel (1991).

[7] B'tselem, "By hook and by crook, Israeli settlement policy in the West Bank", July 2010, available from www.btselem.org.

[8] State Comptroller report 54B, 2004.

[9] The Sason report (2005), commissioned by the Israeli Government, states: "The Settlement Division is a part of the World Zionist Organization, which is a settling body, according to a government resolution. The Division's role is to assist the government in establishing Israeli settlements in Judea, Samaria and Gaza. Its full budget comes from State treasury"; available from www.mfa.gov.

tripled since 1993.[10] During the past decade, it grew at an average yearly rate of 5.3 per cent, compared with 1.8 per cent for the Israeli population as a whole (see A/67/375, para. 7). The settler population in East Jerusalem also grew by approximately one third between 1993 and 2012.[11] Since the signature of the Oslo Accords, there has been an increase of approximately 270,000 settlers in the West Bank, including East Jerusalem.

11. Ten years after the Oslo Accords were signed, Israel committed, under the Quartet road map, to freeze all settlement activity, including the "natural growth of settlements", a commitment that has never been fulfilled. Beyond the 10-month partial freeze of settlement activity declared in 2010, no further measures have been taken to meet that commitment. During the reporting period, existing Israeli settlements continued to expand and new settlements were approved. In May 2013, the Government announced its intention to establish four new settlements, Mitzpe Lachish, Givat Assaf, Maale Rehavam and Haroe, by legalizing outposts.[12] It is difficult to obtain accurate official data on the expansion of settlements. The planning process involves several stages, including several approvals from the Minister of Defence. According to the Israeli Central Bureau of Statistics, between January and March 2013, the construction of 865 settlement housing units began in the Occupied Palestinian Territory (excluding East Jerusalem), showing a 355 per cent increase compared with those initiated during the final quarter of 2012.[12]

12. As stated by the Secretary-General in a previous report to the General Assembly (A/66/364), settlement activity and the violence committed by Israeli settlers are linked to most of the human rights violations against Palestinians in the West Bank, including East Jerusalem. For instance, the right not to be discriminated against is violated through the application of separate legal systems. The Committee on the Elimination of Racial Discrimination stated in its concluding observations that Israel should ensure equal access to justice for Palestinians and settlers (see CERD/ISR/CO/14-16, para. 27). As explained in paragraphs 31 to 34 below, another example of discrimination against Palestinians is the restrictive regime for Palestinian construction in the West Bank, including East Jerusalem. As a result of the restrictions, Palestinians often build without permits, which puts them under a constant threat of eviction and demolition (see A/66/364, para. 10). During the reporting period, 602 Palestinian structures were demolished, displacing 894 people, including 470 children.

13. Palestinians see their freedom of movement restricted by hundreds of physical barriers and the wall which, upon completion, would render some 9.4 per cent of West Bank territory on the western side of the wall inaccessible to Palestinians, except for those with special permits or through a process of "prior coordination" (see A/67/375, para. 41). In his previous report, the Secretary-General highlighted that the vast majority of limitations to the rights of Palestinians are related to the presence of settlements, including to ensure the security of settlers and to facilitate their movement through the West Bank, and to ensure that the normal daily life of settlers is not disrupted (ibid., paras. 41 and 44).

[10] According to Peace Now, the population grew from 111,600 in 1993 to 341,418 in 2012.

[11] According to Peace Now, there were 150,000 settlers in East Jerusalem in 1993. The Office for the Coordination of Humanitarian Affairs estimated their population at 200,000 in 2012.

[12] Information provided by Peace Now.

14. Palestinians in the West Bank, including East Jerusalem, are subject to frequent search and arrest operations, which in many cases are linked to Israeli security measures carried out with the goal of protecting settlers and their property (ibid., para. 43). These operations are often linked to stone-throwing by Palestinian children at settlers' vehicles. Popular protests against restrictions to movement and access relating to settlements, construction of the wall and the takeover of land and resources by settlers frequently result in clashes between Palestinian protestors and Israeli forces, causing Palestinian civilian casualties. It appears that Palestinian children are particularly affected by operations by Israeli security forces in the vicinity of settlements or on roads used by settlers or the army that run by Palestinian villages (see A/HRC/22/63, para. 48). The rights of Palestinian children to liberty, security of person and fair trial are often violated from the time of their arrest throughout detention, trial and sentencing, as recently reported by the United Nations Children's Fund (UNICEF).[13] The Committee on the Rights of the Child also expressed concern about the practice of torture and ill-treatment of Palestinian children arrested, prosecuted and detained by the Israeli authorities (see CRC/C/ISR/CO/2-4).

IV. Israel's leading role in the construction and expansion of settlements

15. Since 1967, the State of Israel has directly participated in the planning of settlements through provisions in its planning policies, in particular its "basic policy guidelines".[14] These guidelines are the primary policy instrument of Israeli administrations and are presented by each Government to the Knesset for endorsement. Following the signing of the Oslo Accords, policy guidelines focused on the consolidation and development of existing settlements, indicating that no new settlements would be established. Israel has also supported settlements in the Occupied Palestinian Territory through other means, including by legalizing outposts, controlling land in which settlements are subsequently built, providing them with infrastructure and public services, granting benefits and incentives to settlers and sponsoring economic activities.

16. Israel has participated in the expansion of settlements through support to outposts. According to the Sasson report, which was commissioned by the Government of Israel in 2005, a substantial number of outposts were built with the involvement of State authorities and public bodies, including through the provision of funds, infrastructure and security. The report concluded that this situation seriously endangered the rule of law and recommended that the Government take the necessary measures to change this reality.[15] While a few evacuations took place

[13] UNICEF Occupied Palestinian Territory, "Children in Israeli military detention: observations and recommendations", 6 March 2013; available from www.unicef.org. Israeli authorities have expressed their willingness to implement the recommendations of UNICEF.

[14] For an analysis of the main trends of Israeli policy guidelines regarding the support to settlements in the Occupied Palestinian Territory, see A/HRC/22/63, annex I.

[15] In contrast, the Levy report also commissioned by the Government in 2012, recommended "legalizing", in Israeli law, most unauthorized settlement outposts in the West Bank (*Haaretz*, 15 August 2012).

following orders from the Israeli High Court of Justice,[16] the majority of outposts remain in place and new ones continue to be established.

Control of land

17. Israel has used different methods to seize land for settlement, amounting to approximately half of the West Bank.[17] Only limited information is available in the public domain on this issue. In some cases, even the State Comptroller is not granted access, while, in other cases, information provided by different government bodies is contradictory.[7] The requisition of Palestinian-owned land for military needs was used mainly between 1967 and 1979, on the premise that it was "required for essential and urgent military needs".[18] Under international law, the occupying power has the right to requisition private property under certain circumstances.[19] Article 46 of the Hague Regulations establishes that private property cannot be confiscated, and article 52 states that requisitions can be made only for the needs of the army of occupation. In most cases of requisition of Palestinian land for military needs in connection with settlements, these conditions are not fulfilled because settlements are not established to exclusively satisfy the needs of the Israeli army. The International Court of Justice confirmed this when it declared that requisitions of land for military needs in relation to the construction of the wall were illegal under international law (see A/ES-10/273 and Corr.1, para. 124).

18. Following the decision of the Israeli High Court of Justice on the *Elon Moreh* case of 1979,[20] in which the Court ordered the return of seized private property to its owners, the use of military requisition decreased. However, it has often been used to allow for the construction of bypass roads,[21] permitting settlers to travel through the West Bank without passing through Palestinian towns (see A/63/519). It is doubtful that these roads qualify as military needs in accordance with the provisions of the Hague Regulations.

19. Israel made use of land requisitioned for military needs for the construction of the wall. Some 85 per cent of the wall runs inside the West Bank, leaving almost half of Israeli settlements between the Green Line and the wall's route, including about 85 per cent of the entire settler population. The International Court of Justice indicated that the wall's route has been traced in such a way as to include within this area the great majority of the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) (see A/ES-10/273 and Corr.1, para. 119). It therefore appears likely that land requisition in connection with the wall was intended for the expansion of settlements and not to satisfy military needs of the occupying army.

20. The declaration of State land was used mainly during the 1980s and 1990s. Declarations of State land are based on civilian laws in place before the occupation,

[16] In 2012, Ramat Migron and Ulpana outposts were evacuated.

[17] 43 per cent of the West Bank is allocated to settlement local and regional councils.

[18] This was a standard formula used in military orders. See B'tselem, "Land grab: Israel's settlement policy in the West Bank", May 2002, available from www.btselem.org.

[19] Commentary on art. 53 of the Fourth Geneva Convention by Jean Pictet, ed., *The Geneva Conventions of 12 August 1949* (Geneva, International Committee of the Red Cross, 1958).

[20] *Duweikat v. Government of Israel*, HCJ 390/79 (1979).

[21] B'tselem, "Land grab: Israel's settlement policy in the West Bank", May 2002, available from www.btselem.org.

in particular the Ottoman Land Law of 1858. According to the interpretation of these laws by Israel, the occupying Power is allowed to take possession of uncultivated land (see A/63/519). It appears that the process to declare State land is not in accordance with the standards of due process and undermines the right to an effective remedy. Declarations of State land can be appealed within 45 days after the declaration. However, Palestinian owners often are not duly informed of the declaration,[7] which hinders the possibility of filing an appeal. The Military Appeals Committee is the Civil Administration body responsible for deciding on the appeals against declarations of State land. Members of the Committee are appointed by the Israeli Defense Forces (IDF), which raises serious questions about the independence and impartiality of such a body, since it reviews decisions made by the military. Moreover, the decisions of the Committee are not binding[21] and may thus be revoked, depriving Palestinians of an effective remedy against declarations of State land. Approximately 16 per cent of the West Bank has been declared State land and is used for settlements, in particular around areas built up by Palestinians.[7]

21. Subsequent to the signing of the Oslo Accords, Israel employed an alternative method to expropriate Palestinian land, based on the Jordanian land law permitting expropriations for the "benefit of the population" (see A/63/519, para. 20). Israel amended this law through military orders, assigning the authority to expropriate to the Civil Administration, whose decisions can be appealed before the Military Appeals Committee (ibid., para. 21). Observers have noted that the Civil Administration does not adequately inform Palestinians about decisions involving their property in relation to expropriation for public needs. It has been alleged that it only posts maps of the intended expropriation in its offices, in the Israeli-Palestinian District Coordination Offices[22] and in liaison offices.[7]

22. The expropriation for public needs has not been frequently used for the establishment and expansion of settlements, because the law requires that the expropriation is made for a public purpose, that is, also benefiting Palestinians.[21] It has been used mainly for building infrastructure, including roads to connect settlements to one another and to Israel, claiming that Palestinians also benefit from them.[7] An exception is the Ma'ale Adumim settlement, which was established east of Jerusalem on approximately 3,500 hectares of Palestinian land expropriated for public needs in the 1970s.[23] Following the expropriation, the boundaries were declared by military order. During the 1980s and 1990s, the boundaries were expanded by approximately 1,300 hectares through declarations of State land.[24]

Benefits and incentives granted to settlers

23. Following the signing of the Oslo Accords, there was a reduction in the trend of creation and rapid expansion of settlements.[25] However, in June 1996, the

[22] District Coordination Offices were established by the Interim Agreement on the West Bank and the Gaza Strip as a coordination mechanism between Israel and the Palestinian Authority, mainly for security issues located in each district of the West Bank and Gaza.

[23] B'tselem, "The hidden agenda: the establishment and expansion plans of Ma'ale Adumim and their human rights ramifications, December 2009, available from www.btselem.org.

[24] B'tselem, "Acting the landlord: Israel's policy in Area C", June 2013, available from www.btselem.org.

[25] The majority of settlements were established between 1967 and 1992 with a peak between 1988 and 1992. According to B'tselem, between 1993 and 2009 the number of settlements varied between 120 and 123.

Government issued its basic policy guidelines, which stated that "settlement in the Negev, the Galilee, the Golan Heights, the Jordan Valley, and in Judea, Samaria (West Bank) and Gaza is of national importance to Israel's defence and an expression of Zionist fulfilment. The Government will alter the settlement policy, act to consolidate and develop the settlement enterprise in these areas, and allocate the resources necessary for this".

24. Successive Governments of Israel periodically set a plan designating villages and towns as national priority areas in Israel and the Occupied Palestinian Territory. These areas are entitled to certain benefits, including Government incentives supporting housing, education, industry, agriculture and tourism, and support given to local authorities. National priority areas can be at level A or B; the former receives the maximum benefits in all fields, whereas the latter receives similar benefits in a smaller amount. In 1998, the Government approved Decision No. 3292, which defined many Israeli settlements in the Occupied Palestinian Territory as national priority area level A. Benefits included benefits in housing, education and taxes significantly lower than those established for communities within Israel proper (see A/HRC/22/63, annex I).

25. In 2006, the High Court of Justice declared that benefits and incentives on education granted to national priority areas were biased and discriminatory and ordered their cancellation.[26] The Court recommended that the Government make an "overall correction" of all benefits granted to national priority areas. This was purportedly done in 2009, when the Law on National Priority Areas was enacted.[27] Some sources report that the law contradicts the decision of the High Court because it preserves the broad discretion of the Government to allocate State resources to national priority areas. In 2013, the Government approved a new list of such areas, including 91 settlements in the Occupied Palestinian Territory. The list includes an additional nine new settlements, including three former outposts, Bruchin, Sansana and Rechalim, legalized in 2012 (see A/67/375, para. 6).

26. The Ministry of Housing and Construction and the Israel Land Administration grant incentives and benefits to settlers that reduce housing costs in settlements. Settlements classified as national priority area A can get a discount of up to a 69 per cent of the value of the land. In addition, the Government assumes up to 50 per cent of the development costs of construction.[7] The Government also provides mortgage subsidies, including an automatic subsidized mortgage (for national priority area A) or association mortgages, a second double mortgage subsidized by the State. According to the State Comptroller, between 1997 and 2002, the Ministry invested NIS 419 million in mortgages for apartments located mainly in West Bank settlements.[8]

27. Education benefits granted by the Ministry of Education include advantages for teachers living in settlements, such as rent subsidies, subsidies for travel expenses related to training and payment of the employer's share in a teacher's fund for advanced training, among other things. Benefits for settlers include an exemption from tuition fees for preschool children, subsidies for matriculation

[26] *High Follow-Up Committee for Arab Citizens of Israel v. The Prime Minister of Israel, Judgment* (2006), HCJ-11163/03.

[27] Through the additional section to the Economic Arrangements Law entitled "National Priority Areas" adopted in 2009. See Adalah, "On the Israeli Government's new decision classifying communities as national priority areas" (2010).

examination fees and privileges in scholarships. Local authorities in settlements are also entitled to benefits in education, including an allocation for additional school tuition hours, full funding for installing computers in schools, an additional budget for schools with special needs and a grant of NIS 100,000 to each community centre.[26] Furthermore, the Free Compulsory Education Law from 3 years of age is partially implemented in national priority area A, while its full implementation has been postponed until 2019. Schools and kindergartens have an extended school day, and 90 to 100 per cent of school transportation costs are covered by the State.[7]

28. The Ministry of Agriculture classifies communities in the Jordan Valley and remaining settlements as administrative development areas "A", which entitles them to grants, subsidies and tax benefits on profits.[7] The Ministry also indemnifies farmers in settlements from European Union customs imposed on their products.[28]

29. Businesses have benefited from settlements directly and indirectly. Economic activities in industrial zones located in settlements are increasing because of several incentives, including tax breaks, low rents and low labour costs. Banks are contributing by providing financial services to enterprises located in settlements and special loans for building projects (see A/HRC/22/63, paras. 96 and 97). The Industry and Trade Ministry provides benefits to factories in settlements, including 24 per cent of the investment, income tax benefits, increased grants for research and assistance in hiring workers.[7] Industry, tourism and trade activities in settlements have a 69 per cent reduction on land leases.

Israeli policies in Area C

30. Approximately 61 per cent of the occupied West Bank is classified as Area C under the Oslo Accords, and is home to approximately 150,000 Palestinians. Some 325,000 Israeli settlers live in around 135 settlements and 100 outposts in Area C. Some 70 per cent of Area C is off limits to Palestinians, as it is placed within the jurisdictional boundaries of the settlements' regional and local councils. Palestinians are not allowed to construct on State land, in military firing zones, nature reserves, the buffer zone around the wall and alongside major roads, leaving them with only 30 per cent of Area C where construction is not a priori prohibited,[24] but various restrictions make it virtually impossible for Palestinians to obtain a permit for building homes or infrastructure in the remaining 30 per cent (see A/66/364, para. 19).

31. In order to obtain a building permit, any construction must be consistent with an approved planning scheme. Nevertheless, it is reported that, in practice, Palestinian construction is allowed only within the boundaries of a detailed or special Civil Administration plan, and those plans cover less than 1 per cent of Area C, much of which is already built up. In areas with no Civil Administration plans, Palestinian construction is permitted but it must adapt to the narrow building possibilities allowed by plans approved under the British Mandate in the 1940s, which classify the majority of Area C as an agriculture zone, making them inadequate to deal with current planning needs of the Palestinians.

[28] In 2010, the European Court of Justice ruled that goods manufactured in Israeli settlements in the West Bank cannot be imported into the European Union duty free, similar to all other products made within Israel's 1967 borders.

32. In addition, Palestinians cannot participate in the planning process. All decisions related to Area C planning are in the hands of the Civil Administration's Higher Planning Council[29] under the authority of the Ministry of Defence of Israel and is composed exclusively of Israeli officials (see A/HRC/22/46/Add.1, para. 66). Modifications by Israel to the Jordanian law in force at the start of the occupation eliminated the participation of Palestinians in the planning process. These modifications to the Jordanian law were of such an extent that Israel exceeded the competence afforded to it, as the occupying Power, to legislate, according to article 43 of the Hague Regulations. Palestinians are not able to provide any input for the zoning, the development of plans and the approval of construction for their communities. They retained only the possibility of presenting objections to plans. In a positive development, the Higher Planning Council has started to receive objections to master plans and has agreed to redraft or review some of them. However, it is reported that such revised plans have yet to be approved or validated.[24]

33. The restrictions on Palestinian construction are extended to infrastructure and services. For instance, over 70 per cent of Palestinian communities in Area C are not connected to any water supply network. In addition, the Civil Administration grants building permits for schools, hospitals, roads and infrastructure only in few villages in which it has approved a master plan. Currently, there are master plans for only 16 out of 180 Palestinian villages entirely located in Area C.[24]

34. In contrast, settlements receive allocations of land, detailed planning and connection to advanced infrastructure. Settlers enjoy full representation in the planning process.[24] Further, planning and construction laws often are not enforced in relation to settlers. The State Comptroller noted in 2013 that this is attributable to the position taken by the Israeli police that investigations of these violations are not under its jurisdiction, while the Civil Administration refuses to investigate them for fear of reactions by settlers. Given that violations of planning and construction laws in the West Bank by settlers are not treated as criminal offences, the authorities only issue administrative demolition orders, which are rarely implemented.

35. In July 2013, the European Union announced the adoption of binding directives that forbid any funding, cooperation, awarding of scholarships, research funds or prizes to anyone residing in settlements. Any contract signed by a European Union country with Israel should include a clause stating that settlements are not part of Israel and therefore not part of the agreement. The media reported that, in response, Israel will refuse to grant new permits or renew existing permits for European Union construction projects in Area C, and will not issue or renew any documents that European Union personnel might need for travel in the West Bank or into Gaza from Israel. This may negatively affect many Palestinians who benefit from European Union projects in Area C.[30]

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[29] This situation obtains despite the fact that the Oslo Accords called for the gradual transfer of power and responsibility in the sphere of planning and zoning in Area C from Israel to the Palestinian Authority.

[30] According to B'tselem, European investment in the planning of Area C communities at present is currently valued at 2.7 million euros.

Impact of Israeli settlement policies on Palestinians' economic, social and cultural rights

36. Some 43 per cent of the land in the West Bank, including almost all land considered as "State land", has been allocated to settlements, including fertile agricultural and grazing lands, water and other natural resources and tourist sites. This, coupled with the responsibility undertaken by Israel for planning and zoning in all of Area C, has significantly decreased the space available for Palestinians to sustain their livelihoods and develop adequate housing and basic infrastructure and services, such as health and education facilities, and therefore directly impinging upon the economic, social and cultural rights of Palestinians.

37. Settlements and settlement related activities seriously jeopardize Palestinians' livelihoods. A case recently monitored by OHCHR illustrates this. The Palestinian Bedouin community of Umm Al Khair (Hebron Governorate) is located a few metres behind the settlement of Karmel, which has recently expanded its boundaries by building new housing units in the area used by the Bedouins of Umm Al Khair to access their grazing lands. Reportedly, Israeli security forces, in support of the Karmel settlers, are enforcing the new self-established boundaries and are preventing the Bedouin Palestinians from accessing their grazing lands, arresting shepherds, and using physical force against them. Lack of access to their grazing lands is increasing the economic hardship of the Bedouin Palestinians of Umm Al Khair.

38. Israel controls all sources of water in the West Bank and prevents Palestinians from exercising effective control over the development and management of the available water resources in the region (see A/64/516, paras. 41-47, and A/67/375, para. 14). A joint water committee was established in the context of the Oslo Accords. While Israel exercises considerable influence in relation to water issues, in principle all decisions regarding water projects are approved by the committee. In practice, however, the Israeli water management system and policies in place discriminate against Palestinians.[31] The Israeli settler population consumes approximately six times the amount of water used by the Palestinian population.[32] Israeli settlers consume per capita a daily average of 369 litres of water for domestic use, while Palestinians on average have access to 70 litres, well below the standard of 100 litres set by the World Health Organization. The Israeli Water Authority has contested this data, stating that Palestinians consume around 190 million cubic metres of water per year, compared with 60 million cubic metres in 1967 and 118 million cubic metres in 1995. The Israeli Water Authority also claims that the Palestinian Authority loses more than 33 per cent of its water owing to faulty water pipes, and that Palestinians do not comply with the Oslo Accords because they do not treat their sewage. Nevertheless, the ability of the Palestinian Authority to address these issues is significantly limited by the need to obtain Israeli approval for repair of the existing water networks or the development of new infrastructure.

39. In terms of the water used for agricultural purposes, the discrepancy between the levels of access to water and water consumption by Palestinians and settlers is

[31] Human Rights Watch, "Separate and unequal, Israel's discriminatory treatment of Palestinians in the Occupied Palestinian Territory" (2010).

[32] Al Haq, *Water For One People Only: Discriminatory Access and Water-Apartheid in the OPT* (Al-Haq Organization, 2013); and *Amnesty International, Troubled Waters: Palestinians denied fair access to water* (London, Amnesty International, 2009).

even greater.[33] Furthermore, settlers in the West Bank confiscate, destroy and hinder access to water, sanitation and hygiene infrastructures in their vicinity, including water springs (see A/67/375 para. 21).

40. Before 1967, agriculture was the biggest employer of Palestinian labour.[34] Confiscation of land and restrictions on access to land and to water are among the main factors that have led to the decline of Palestinian agriculture. Cultivated areas shrunk by 30 per cent from 1965 to 1994, and Palestinian agricultural production amounts to 4.9 per cent of the gross domestic product (GDP), compared with 50 per cent in 1968. The low quantity of water available has forced Palestinian farmers to rely increasingly on rain-fed crops, which are less profitable than irrigated crops. The cost of the forgone opportunity in irrigated agriculture is estimated to be as high as 10 per cent of GDP and 110,000 jobs.[35]

41. Conversely, agriculture is the largest sector of the Israeli settlement economy and Palestinian markets are flooded with agricultural settlement products.[36] Settlers in the Jordan Valley, an area largely off limits for Palestinians, cultivate large areas of land and grow crops that require large amounts of water, using most of the water resources in the area.

V. Failure to maintain public order, settler violence and lack of accountability

42. As previously highlighted by the Secretary-General, Palestinians are often victims of acts of violence by Israeli settlers and Israeli law enforcement forces have in numerous cases failed to protect them against such attacks (see A/67/375, para. 30). Israel has the legal obligation to protect the rights of Palestinians in accordance with international human rights law. In addition, pursuant to article 43 of the Hague Regulations and articles 4 and 27 of the Fourth Geneva Convention, Israel, as the occupying Power, has the obligation to maintain the public order and safety in the Occupied Palestinian Territory and has the obligation to provide Palestinians with all guarantees accorded to protected persons under international humanitarian law.

43. Palestinians continued to be the target of acts of violence by Israeli settlers in the West Bank, including East Jerusalem, putting their security and livelihood at risk. Such acts include physical attacks with different weapons, including batons, knives and live ammunition, and the throwing of stones; destruction and denial of access to property, in particular agricultural lands; and "price tag" incidents.[37] Many of the injuries to Palestinians occurred in the middle of clashes with settlers or were attributable to stone-throwing by Israeli settlers. During the reporting period, 178 Palestinians were injured in acts of violence committed by settlers, out of which 16 were women and 34 were children. This is an increase compared with the period

[33] Al Haq, 2013, see footnote 32 above.

[34] Emergency Water and Sanitation/Hygiene (EWASH), Fact Sheet 14, 2013; and Palestinian Central Bureau of Statistics, "Palestine in figures 2012", March 2013.

[35] World Bank, "The underpinnings of the future Palestinian State: sustainable growth and institutions", Economic Monitoring Report to the Ad Hoc Liaison Committee, 2010.

[36] EWASH, 2013, see footnote 34 above.

[37] Strategy whereby Israeli settlers attack Palestinians and sometimes, IDF, in response to events or actions affecting them, such as the evacuation of outposts or the killing of settlers.

covered in the previous report, during which 147 injuries were reported. Incidents of violence by Palestinians against Israeli settlers also increased; one killing and 80 injuries, including of 10 women and 7 children, were reported.

44. On 17 September 2012, in a case monitored by OHCHR, three Palestinian farmers from Aqraba village were walking home from their olive groves south of Itamar settlement (south of Nablus) when six settlers, masked and armed with rifles and clubs, reportedly attacked them on an agricultural road leading to the village. One farmer was beaten all over his body by two settlers. Another farmer was struck on his left arm, right shoulder, legs and knees and was then hit with a stone in the head. It was reported that the two farmers fell unconscious while settlers continued to attack them. The third farmer managed to get up, run away and call his father for help. When residents from the village arrived, the settlers allegedly had left the area. One victim was hospitalized for two days and the other for three days.

45. During the reporting period, OHCHR monitored cases in which IDF failed to protect Palestinians against settler violence, including cases in which IDF soldiers were present. On 23 February 2013, clashes took place between settlers from the outpost Esh Kodesh and Palestinians of the nearby village of Qusra. Settlers allegedly used live ammunition against Palestinians, causing serious injury to a man. IDF soldiers arrived to the site shortly after the clashes started but reportedly intervened only after settlers started using live ammunition. The soldiers did not detain any of the settlers using firearms; instead, they used tear gas to disperse the Palestinians.

46. In another case monitored by OHCHR, settlers from Yitzhar settlement attacked a neighbourhood of Burin village south of Nablus, on 2 February 2013. Settlers were allegedly masked and had batons, plastic tubes, knives and saws. When village residents gathered to help to protect the families under attack, one settler reportedly shot and injured a 17-year-old boy in the right thigh. An IDF military jeep later arrived on Road 60 and reportedly started firing tear gas at the Palestinians who were clashing with settlers in the area. Clashes continued until IDF allegedly raided the village and carried out security measures against the Palestinian residents until late in the evening. Reportedly, IDF fired tens of tear gas canisters among the houses, which forced some families to leave their homes.

47. Despite the fact that, as reported previously (see A/67/375), incidents of settler violence often take place in Qusra and in villages surrounding the Yithzar settlement, Israel has not taken sufficient effective measures to prevent settler violence in these areas. Recently, the Israeli State Comptroller noted that IDF was not fulfilling its responsibility to maintain public order and safety in the Occupied Palestinian Territory. He indicated that the army's order setting out the forces' obligation to know its mission did not explicitly refer to law enforcement.

48. Settlers also frequently attack and destroy Palestinian property, including homes, cars, olive trees and crops, seriously undermining the livelihoods of Palestinians. In a case monitored by OHCHR in Zeef (Hebron Governorate), on 29 May 2013, settlers stopped their car and allegedly threw a Molotov cocktail at piles of recently harvested wheat, and fled the scene. The extent of the damage was estimated at 13 dunums.

49. Palestinian farmers, whose agricultural lands are located inside or near settlements, face regular restrictions on access and settler attacks against them and

their properties. An estimated 90 Palestinian communities in the West Bank have land within, or in the vicinity of, 55 Israeli settlements and settlement outposts. Access by Palestinians to such land is subject to "prior coordination" with the Israeli authorities, even in cases in which the fencing-off of the land was carried out by settlers without authorization from the Israeli authorities. If "prior coordination" is approved, access is generally granted for a limited number of days during the annual olive harvest, and Israeli soldiers are deployed to protect their access during these periods. In July 2013, approximately 1,000 olive trees were uprooted and destroyed by settlers in Awarta village (Nablus Governorate), in an area where Palestinian farmers are granted only few days of access a year subject to prior coordination with the Civil Administration. During the reporting period, 9,375 trees and saplings were damaged or destroyed by settlers. The monthly average of trees and saplings damaged or destroyed in the first five months of 2013 increased by 51 per cent compared with 2012.

50. Settler violence curtails the right of Palestinian children to education. According to information provided by UNICEF, during the reporting period, settlers from Yitzhar repeatedly attacked schools in the Palestinian village of Urif, affecting some 1,540 students. In addition, 17 incidents of settler violence hindered access to education for more than 5,000 children, with the highest number of incidents registered in Nablus Governorate, followed by those registered in Hebron. Incidents included direct physical attacks against children on their way to school. In four separate incidents, raw sewage from nearby Israeli settlements flooded Palestinian school premises and impeded the normal delivery of the classes in Azzun Bait Amin Secondary School (Qalqiliya).

Lack of accountability

51. The lack of accountability for crimes committed by Israeli settlers persists (see A/66/364, paras. 22-23, and A/67/375, paras. 37-39). The challenge of accountability is analysed in depth in the Secretary-General's report requested by the General Assembly in its resolution 67/121 (A/68/502).

52. An Israeli human rights organization that assists Palestinians in filing complaints in cases of settler violence recently issued a report indicating that, between 2005 and 2013, only 8.5 per cent of the investigations opened in relation to settler violence incidents in the West Bank resulted in indictments. Some 84 per cent of the investigations were closed, owing mainly to investigatory failures, including the lack of identification of suspects and the inability to collect evidence for prosecution.[38] These findings are almost identical to those published since 2005 (see A/67/375, para. 38), indicating that the Israeli authorities have not taken measures to effectively address impunity for settler violence, in spite of several recommendations to that effect made by the Secretary-General (see A/63/519 and A/64/516). The most recent report of the State Comptroller of Israel illustrates the failure of the Israeli authorities to investigate settler violence. According to the Comptroller, Israeli soldiers typically arrive to the crime scene before the police and do not take appropriate action to protect Palestinians and preserve the crime scene. The Comptroller also indicated that soldiers are not trained to handle crime scenes

[38] Yesh Din Monitoring Update, data sheet, "Law enforcement on Israeli citizens in the West Bank", July 2013.

and do not send evidence in time, if at all, to the police, thereby disrupting any investigation and criminal procedures.

VI. Settlements in the occupied Syrian Golan

53. The Government of Israel continues to occupy the Syrian Golan. It is estimated that approximately 20,000 Israeli settlers live in 33 settlements in the occupied Syrian Golan. Israel continues to encourage the growth of the settler population in the Golan through socioeconomic incentives, in clear violation of the Fourth Geneva Convention. Israel also controls scarce water resources in the Golan and distributes a disproportionate share to Israeli settlements through Mekorot, the Israeli national water company, and Mey Golan, a private Israeli company that supplies water directly to Israeli settlers at preferential rates.[39]

54. The Secretary-General is particularly concerned about the exploitation by Israel of natural resources in the occupied Syrian Golan for its own benefit. In this connection, the Secretary-General recalls that, in February 2013, the Israeli Ministry of Energy and Water granted a local Israeli subsidiary of United States-based Genie Oil and Gas a three-year exclusive petroleum exploration licence in the occupied Syrian Golan. The Secretary-General is also concerned at reports of Government-sponsored investments in wind energy turbines. In this regard, regional Israeli authorities granted a permit to a local company in February 2013 for 41 turbines to be installed at Emek Habacha in the northern occupied Syrian Golan. The project is expected to be operational by 2015.[40]

VII. Conclusion and recommendations

55. **Despite past commitments to freeze settlement activity in the Occupied Palestinian Territory, Israel has over the years been playing a leading role in, and supporting and encouraging, the establishment and expansion of, settlements in the West Bank, including East Jerusalem, and the occupied Syrian Golan through many different means. In contravention of its international legal obligations, Israel has failed to ensure public order in the Occupied Palestinian Territory and to protect Palestinians against violent acts committed by settlers. Israel has also failed to ensure accountability for settler violence.**

56. **The Government of Israel must stop playing a leading role in, and supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory and the occupied Syrian Golan. In particular, it should stop using the requisition and expropriation of land and the allocation of State land for the establishment and expansion of settlements and should halt the granting of benefits and incentives to settlements and settlers. Israel must enforce the existing applicable laws against settlers who take over land, whether it is State land or privately owned. Israel must also refrain from issuing permits and licences to private companies seeking to**

[39] Al-Marsad — Arab Human Rights Centre in the Golan Heights, "Water is life", 2013.

[40] *Wind Power Monthly*, "Israel approves 120 megawatts in the Golan Heights", 5 February 2013.

exploit and profit from the natural resources of the Occupied Palestinian Territory and the occupied Syrian Golan.

57. Israel must bring its legislation, policies and practices into compliance with its international legal obligations and its commitments set out in the road map, including by immediately ceasing the transfer of its population to the Occupied Palestinian Territory and by completely ending all settlement activity. Israel must also implement relevant United Nations resolutions, including Security Council resolution 497 (1981), and withdraw from territories occupied in 1967.

58. Israel must cease its discriminatory policies and practices against Palestinians in the West Bank, including East Jerusalem, including by amending the zoning and planning legislation and processes, in order to ensure the full participation of Palestinians throughout the planning process, in accordance with due process standards, and to ensure their right to an effective remedy.

59. Israel, as the occupying Power, must take all necessary measures to ensure the protection of Palestinians and their property from acts of violence, including through preventive measures. All acts of violence committed by Israeli settlers against Palestinians and their property must be investigated independently, impartially, thoroughly, promptly, effectively and in a non-discriminatory manner. Transparency in investigations should also be ensured. Individuals who are responsible for violations should be prosecuted and victims should be provided with an effective remedy.

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Agenda item 99 (w)
General and complete disarmament: taking forward multilateral nuclear disarmament negotiations

Proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the report of the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. The Open-ended Working Group was established pursuant to paragraphs 1 and 2 of General Assembly resolution 67/56.

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Report of the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

I. Introduction

1. In its resolution 67/56, entitled "Taking forward multilateral nuclear disarmament negotiations", the General Assembly expressed its deep concern about the catastrophic humanitarian consequences of any use of nuclear weapons. By paragraphs 1 and 2 of the resolution, the Assembly decided to establish an open-ended working group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons and that the working group should convene in Geneva in 2013 for up to 15 working days, within available timeframes, with the contribution of international organizations and civil society, in accordance with established practice.

2. By paragraph 3 of that same resolution, the General Assembly further decided that the working Group should submit a report on its work, reflecting discussions held and all proposals made, to the General Assembly at its sixty-eighth session, which will assess its work, taking into account developments in other relevant forums.

II. Organizational matters

A. Opening and duration of the sessions

3. Pursuant to the provisions of paragraph 2 of General Assembly resolution 67/56, the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons held an organizational meeting on 14 March and substantive meetings from 14 to 24 May, on 27 June and from 19 to 30 August 2013.

4. The Geneva branch of the Office for Disarmament Affairs provided the Secretary and substantive support to the Working Group.

5. The organizational meeting was opened by the Director of the Geneva branch of the Office for Disarmament Affairs, who oversaw the election of the Chair of the Working Group.

B. Officers

6. At its organizational session, on 14 March, the Working Group elected by acclamation Manuel B. Dengo (Costa Rica) as its Chair. The Chair was assisted by friends of the Chair from Austria, Australia, Brazil, Canada, Egypt, Finland, Ghana, Kenya, Mexico, the Netherlands, New Zealand and Switzerland.

C. Adoption of the agenda and participation

7. At its organizational meeting, on 14 March, the Working Group adopted its agenda (A/AC.281/1), which read as follows:

1. Opening of the session.
2. Election of the Chair.
3. Adoption of the agenda.
4. Organization of work.
5. Development of proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons.
6. Report to the General Assembly at its sixty-eighth session.
7. Any other business.

8. At the same meeting, the Working Group decided on the modalities for the broad participation of representatives of international organizations and civil society in its work.

D. Documentation

9. The Working Group had before it the following:

(a) Agenda (A/AC.281/1);

(b) Working paper submitted by Austria on perceptions and views on nuclear disarmament: addressing differences and bridging gaps (A/AC.281/WP.1);

(c) Working paper submitted by Cuba on a proposal for practical actions to achieve nuclear disarmament (A/AC.281/WP.2);

(d) Working paper submitted by the Chair on a list of ideas, elements and proposals raised during the May meetings of the Open-ended Working Group on taking forward multilateral nuclear disarmament negotiations (A/AC.281/WP.3);

(e) Working paper submitted by Australia, Belgium, Canada, Finland, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Slovakia and Sweden on building Blocks for a world without nuclear weapons (A/AC.281/WP.4);

(f) Working paper submitted by Austria on an exploration of some contributions that also non-nuclear-weapon States could engage in to take multilateral nuclear disarmament forward (A/AC.281/WP.5);

(g) Working paper submitted by the Islamic Republic of Iran on taking forward multilateral nuclear disarmament negotiations (A/AC.281/WP.6);

(h) Working paper submitted by Costa Rica and Malaysia on a model nuclear weapons convention (A/AC.281/WP.7);

(i) Working paper submitted by Ireland and Switzerland on identifying the essential elements for achieving and maintaining a world without nuclear weapons (A/AC.281/WP.8);

(j) Working paper submitted by Mexico on organizing ideas to develop proposals to take forward multilateral nuclear disarmament negotiations (A/AC.281/WP.9);

(k) Working paper submitted by the New Agenda Coalition on elements for the achievement and maintenance of a world without nuclear weapons (A/AC.281/WP.10);

(l) Working paper submitted by Pakistan on matters concerning the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations (A/AC.281/WP.11);

(m) Timetable for the meetings in May 2013 (A/AC.281/INF/1);

(n) Summary by the moderator of discussions in panel I, entitled "Existing multilateral treaty-based obligations and commitments", submitted by the Chair (A/AC.281/INF/2);

(o) Summary by the moderator of discussions in panel II, entitled "Towards a world free of nuclear weapons", submitted by the Chair (A/AC.281/INF/3);

(p) Summary by the moderator of discussions in panel VII, entitled "Roles and responsibilities for nuclear disarmament", submitted by the Chair (A/AC.281/INF/4);

(q) Summary by the moderator of discussions in panel V, entitled "A conversation on international law relevant to the use of nuclear weapons", submitted by the Chair (A/AC.281/INF/5);

(r) Summary by the moderator of panel VI, entitled "Exploring new approaches to nuclear disarmament", submitted by the Chair (A/AC.281/INF/6);

(s) Summary by the moderator of panel IV, entitled "Perspectives on the necessary framework to achieve and maintain a nuclear weapons free world", submitted by the Chair (A/AC.281/INF/7);

(t) Summary by the moderator of panel VII, entitled "Nuclear disarmament and non-proliferation education", submitted by the Chair (A/AC.281/INF/8);

(u) Summary by the moderator of panel VIII, entitled "Role of parliamentarians in advancing nuclear disarmament", submitted by the Chair (A/AC.281/INF/9);

(v) Contribution from non-governmental organizations on achieving a nuclear-weapon-free world (A/AC.281/NGO/1);

(w) Contribution from non-governmental organizations on bridging the gaps, building the framework, ensuring success (A/AC.281/NGO/2);

(x) Contribution from non-governmental organizations on key recommendations on promoting education (A/AC.281/NGO/3).

III. Proceedings of the Working Group

A. General

10. In accordance with the mandate contained in General Assembly resolution 67/56 and the agenda for the session, the Working Group addressed, in an open, constructive and transparent manner, various issues related to nuclear disarmament, including the status and role of nuclear weapons in the current security context, the elements and approaches to take forward multilateral nuclear disarmament negotiations, possible ways to achieve and maintain a world free of nuclear weapons and the complete elimination of nuclear weapons.

11. During the meetings of the Working Group, participants expressed their points of view on a range of issues, including the current status of and future prospects for nuclear disarmament and multilateral nuclear disarmament negotiations, existing commitments and initiatives, elements to consider in and possible approaches to multilateral nuclear disarmament negotiations and the roles and responsibilities of all actors, among other issues to be addressed for the achievement and maintenance of a world without nuclear weapons.

12. As mandated by the General Assembly, the Working Group conducted its work in a deliberative and inclusive manner and, without prejudice to the eventual outcome and national positions, allowed for frank and constructive discussion on ways to take forward multilateral nuclear disarmament negotiations.

B. Taking stock of existing unilateral, bilateral and multilateral nuclear disarmament commitments and proposals, and aspects, perspectives and challenges that pertain to nuclear disarmament and multilateral nuclear disarmament negotiations

13. In order to take stock of existing unilateral, bilateral and multilateral nuclear disarmament commitments and proposals, and of aspects, perspectives and challenges that pertain to nuclear disarmament and multilateral nuclear disarmament negotiations, the Working Group held the following informal thematic discussions:

(a) The discussion on the theme "Multilateral treaty-based obligations and commitments" was moderated by Peter Woolcott (Australia). Statements were made by the following panellists: Theresa Hitchens, United Nations Institute for Disarmament Research (UNIDIR); Beatrice Fihn, Reaching Critical Will; and Ward Wilson, James Martin Centre for Non-Proliferation Studies;

(b) The discussion on the theme "Towards a world free of nuclear weapons" was moderated by Paul Wilson (Australia). Statements were made by the following panellists: Gaukhar Mukhatzhanova, James Martin Centre for Non-Proliferation Studies; and Gioconda Ubeda, Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

(c) The discussion on the theme "Other initiatives and proposals" was moderated by Elissa Golberg (Canada). Statements were made by the following panellists: Jarmo Sareva, Office for Disarmament Affairs; and Thomas Nash, Article 36;

(d) The discussion on the theme "Lessons learned: transparency, confidence-building and verification" was moderated by Mark Versteden (Netherlands). Statements were made by the following panellists: Anders Persbo, Verification Research, Training and Information Centre; Pavel Podvig, UNIDIR; and Jean Pascal Zanders, European Union Institute for Security Studies;

(e) The discussion on the theme "Perspectives on the necessary framework to achieve and maintain a nuclear-weapon-free world" was moderated by Anthony Andanje (Kenya). A statement was made by the panellist Rebecca Johnson, Acronym Institute for Disarmament Diplomacy;

(f) The discussion on the theme "A conversation on international law relevant to the use of nuclear weapons" was moderated by Dell Higgie (New Zealand). Statements were made by the following panellists: Andrew Clapham, Geneva Academy of International Humanitarian Law and Human Rights; and Louise Doswald-Beck;

(g) The discussion on the theme "Approaching nuclear disarmament from different angles" was moderated by Urs Schmid (Switzerland). Statements were made by the following panellists: Patricia Lewis, Chatham House; John Borrie, UNIDIR; and Neil Buhne, United Nations Development Programme;

(h) The discussion on the theme "Roles and responsibilities for nuclear disarmament" was moderated by Antonio Jose Vallim Guerreiro (Brazil). A statement was made by the panellist Tarik Rauf;

(i) The discussion on the theme "The role of parliamentarians in advancing nuclear disarmament" was moderated by Ulises Canchola Gutierrez (Mexico). Statements were made by the following panellists: Martin Chungong, Inter-Parliamentary Union (IPU); Saber Chowdhury, IPU; Sue Miller, Parliamentarians for Nuclear Non-Proliferation and Disarmament; and Alyn Ware, Basel Peace Office;

(j) The discussion on the theme "Nuclear disarmament education" was moderated by Jyri Jarviaho (Finland). Statements were made by the following panellists: William Potter, Monterey Institute of International Studies; Kerstin Vignard, UNIDIR; Hiro Yamamoto (Japan); and Christian Ciobanu, Nuclear Age Peace Foundation and Ban All Nukes generation.

C. General exchange of views

14. At its meetings on 14 and 15 May, the Working Group held a general exchange of views. Statements were made by the representatives of Algeria, Austria, Belarus, Brazil (on behalf of the New Agenda Coalition[1]), Belgium, Canada, Colombia, Cuba, Egypt, Germany, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Madagascar, Mexico, the Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland and Turkey Statements were also made by Mayors for Peace and the Women's International League for Peace and Freedom (on behalf of the International Campaign to Abolish Nuclear Weapons).

15. At the meeting on 27 June, the High Representative for Disarmament Affairs made a statement.

[1] The New Agenda Coalition is composed of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden.

D. Developing proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

16. At the meetings on 27 June and 19 and 20 August, working papers containing proposals were introduced by Austria, Cuba, Egypt (on behalf of the New Agenda Coalition), Iran (Islamic Republic of), Japan (on behalf of Australia, Belgium, Canada, Denmark, Finland, Germany, Italy, Netherlands, Poland, Portugal, Slovakia and Sweden), Malaysia (on behalf of Costa Rica and Malaysia), Mexico and, jointly, by Ireland and Switzerland. A list of ideas, elements and proposals raised during the meetings of the Working Group was also compiled and introduced by the Chair. Papers containing proposals were also submitted by Reaching Critical Will, the Basel Peace Office, Mayors for Peace, the Nuclear Age Peace Foundation and the United Nations Youth Association of Romania.

17. In addressing the proposals submitted for consideration in accordance with its mandate, the Working Group focused on the following topics:

(a) Approaches on how to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by the Chair);

(b) Elements to be considered in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Mohamed Hatem El-Atawy (Egypt));

(c) Reviewing the role of nuclear weapons in the security context of the twenty-first century in order to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Kelly Anderson (Canada));

(d) The role of international law in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Roland Sturm (Austria));

(e) The role of States and other actors in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Laurent Masmejean (Switzerland));

(f) Other practical actions that could contribute to taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Alexander Ben-Acquaah (Ghana)).

IV. Discussions and proposals

18. During the meetings of the Working Group, participants engaged in interactive, open and constructive discussions on substantive aspects of multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. They recognized the absence of concrete outcomes of multilateral nuclear disarmament negotiations within the United Nations framework for more than a decade and emphasized the importance and urgency of making substantive progress on priority disarmament and non-proliferation issues.

Throughout the discussions, as well as in working papers presented to the Working Group, State representatives, international organizations and civil society presented a breadth of views and proposals. They are reflected in the following paragraphs without prejudice to national positions, or priority, or attempting to be comprehensive or exhaustive. The details of the discussions held and proposals made during the meetings of the Working Group can be found in the statements, working papers and other conference documents.

A. Approaches on how to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

19. In addressing ways to take forward multilateral nuclear disarmament negotiations, the Working Group discussed the current status, perspectives and challenges to nuclear disarmament.

20. Participants affirmed that the universal objective of taking forward multilateral nuclear disarmament negotiations remained the achievement and maintenance of a world without nuclear weapons. Several approaches towards this goal were discussed, including an action plan for a nuclear-weapons free and non-violent world to attain the goal of nuclear disarmament in a universal, time bound, non-discriminatory phased and verifiable manner; the step-by-step approach of mutually reinforcing and progressive steps leading to the full and complete elimination of nuclear weapons; the comprehensive approach for a phased programme for the complete elimination of nuclear weapons within a specified framework of time, including a nuclear weapons convention, to prohibit the possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use of such weapons, and to provide for their destruction; a legally binding framework committing all States to a world without nuclear weapons comprising mutually reinforcing components, implemented in an unconditional manner and backed by clearly defined timelines and benchmarks; and the adoption of a "building blocks" approach for the development of a set of mutually reinforcing unilateral, bilateral, plurilateral and multilateral elements not implying conditionality and without prejudice to a timeframe.

21. The Working Group emphasized, however, that regardless of the approach that the international community would decide to follow, in order to move forward on nuclear disarmament and, ultimately, eliminate the risk of the catastrophic humanitarian consequences arising from the use of nuclear weapons, the international community should focus on common grounds, not on differences.

B. Elements to be considered in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

22. The Working Group discussed the relationship between the elements needed to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. While recognizing the interrelationship between the method and the elements, delegations suggested that there were elements that needed to be addressed regardless of the method employed. It was also proposed that the method would determine the elements.

23. The multilateral nature of negotiations for achieving and maintaining a world without nuclear weapons was discussed, as were unilateral, bilateral and plurilateral initiatives.

24. Discussion was also conducted on how to group the elements needed for the establishment and the elements needed for the maintenance of a world without nuclear weapons. Several alternatives were explored in grouping elements that varied in terms of the stage of achieving and maintaining a world without nuclear weapons (end-state or interim measures), the timeframe of their development (short-, medium- or long-term elements) and their nature (political confidence-building measures or legally binding instruments).

25. The Working Group discussed the need for the full, effective and non-discriminatory implementation of existing disarmament and non-proliferation obligations and commitments, including the Treaty on the Non-Proliferation of Nuclear Weapons and the outcomes of the review conferences of the parties to the Treaty. In this context, the Group also discussed the realization of the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, which is what all States parties to the Treaty are committed to under article VI of that Treaty.

26. The Working Group discussed the mutually reinforcing nature of nuclear disarmament and non-proliferation, in all its aspects. The Group also discussed the affirmation of vertical and horizontal non-proliferation commitments.

27. During discussions and statements, and in working papers, participants considered the importance of pursuing elements to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, in totality and without preconditions or hierarchy. While stressing the need to apply the principles of transparency, verifiability and irreversibility to the goal of achieving and maintaining a world without nuclear weapons, the following elements, which include political measures and legal instruments that could be established and implemented, were put forward:

(a) Affirming the unequivocal commitment to the goal of complete elimination of nuclear weapons and the need for an agreed framework to this end;

(b) Maintaining or declaring a moratorium on the production of fissile material for nuclear weapons or other explosive devices, and converting installations for peaceful purposes and under international verification;

(c) Maintaining or declaring a moratorium on nuclear weapons tests, the development of new types of nuclear weapons and the upgrading of current nuclear-weapon systems;

(d) Reducing the role of nuclear weapons in the military and security doctrines, postures and strategies of nations and alliances, with a view towards their complete elimination;

(e) Maintaining or declaring no-first-use of nuclear weapons;

(f) Removing nuclear weapons from territories of non-nuclear-weapon States;

(g) Designating fissile material no longer required for military purposes and the development of legally binding verification and arrangements, within the

context of the International Atomic Energy Agency, to ensure the irreversible removal of such fissile material;

(h) Enhancing the role of nuclear-weapon-free zones by removing the conditionalities and reservations that have been imposed by nuclear-weapon States and broadening their reach by establishing new zones where they do not already exist, particularly in the Middle East, as well as national legislation prohibiting nuclear weapons;

(i) Increasing transparency and providing a clear baseline against which to measure progress in nuclear disarmament, including a complete inventory of nuclear stockpiles, nuclear warheads, delivery systems and fissile material for nuclear weapons. In this context, participants discussed the importance of submitting regular reports, using a uniform format;

(j) Enhancing measures towards the security of nuclear weapons and to reduce the operational readiness of nuclear-weapons systems, including through the development of legal instruments and other measures, to minimize the possibility of nuclear detonations, whether intentional, accidental or as a result of miscalculation;

(k) Implementing measures to reduce nuclear danger;

(l) Developing verification tools, capabilities and mechanisms to be utilized towards the establishment and maintenance of a world without nuclear weapons;

(m) Universalizing the Treaty on the Non-Proliferation of Nuclear Weapons.

28. The Working Group also discussed measures consisting of legally binding instruments towards achieving a world without nuclear weapons, to be implemented in an interim phase. These variably included:

(a) A clear, legally binding universal and non-discriminatory multilateral commitment, on the part of all States, to the goal of nuclear disarmament, with clearly defined benchmarks and timelines;

(b) Progressive, uninterrupted and irreversible reduction in nuclear arsenals, anywhere and of any type, with clear benchmarks and timelines accompanied by an international verification regime and the placement of all nuclear facilities under such a regime;

(c) A multilateral, legally binding instrument dealing with all aspects of testing of nuclear weapons and the entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

(d) A multilateral, legally binding instrument dealing with fissile material that includes the following options:

(i) A treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

(ii) A treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and dealing with existing stocks of such material and the dismantlement or convertion, for peaceful uses, of facilities and related equipment for the production of fissile material for use in nuclear weapons or other nuclear explosive devices;

(e) The provision of legally binding negative security assurances against the use or threat of use of nuclear weapons to non-nuclear-weapon States;

(f) Bilateral or plurilateral legal arrangements between nuclear-weapon States;

(g) A legally binding instrument on the no-first-use of nuclear weapons.

29. The Working Group identified the following elements as necessary for maintaining a world without nuclear weapons once that has been achieved:

(a) Complete elimination of nuclear weapons and nuclear weapons material and its verification;

(b) Prohibition of the use or threat of use of nuclear weapons;

(c) Prohibition of the possession, stockpiling, development or transfer of nuclear weapons;

(d) Prohibition of the production or use of already existing fissile material for nuclear weapons and placing all such fissile material under international safeguards;

(e) Prohibition of nuclear-weapons tests in all their forms, including both supercritical and subcritical tests.

C. Reviewing the role of nuclear weapons in the security context of the twenty-first century in order to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

30. The Working Group discussed the importance of examining the role of nuclear weapons in the security context of the twenty-first century.

31. In addressing the role of nuclear weapons, participants considered broader and more multidimensional definitions of collective security that take into account, inter alia, humanitarian issues and developmental goals. The humanitarian impact of nuclear weapons was put forward as a cross-cutting issue that affects all elements of the disarmament agenda. Participants also spoke about the need to examine the nature of security in the twenty-first century and questioned whether nuclear weapons met those needs. Devaluing nuclear weapons and questioning the effect of deterrence postures were discussed.

32. Participants discussed the need to take into account the security perceptions of States possessing nuclear weapons, engage in dialogue and build trust and confidence among those States. Proposals were made with regard to reducing the salience of nuclear weapons in the existing security doctrine. The need for engagement between non-nuclear-weapon States and States possessing nuclear weapons was also raised.

33. Proposals covered a range of activities from unilateral reductions in tactical, strategic and non-deployed nuclear warheads to the full elimination of such weapons through a multilateral negotiated process. Participants also made proposals on preventing the modernization of existing nuclear arsenals and the development of new weapons.

D. The role of international law in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

34. The Working Group considered the contribution of international law to taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons and gaps in the existing international legal framework.

35. The Working Group discussed options to fill the legal gaps in achieving the objective of a world without nuclear weapons, including in the current international legal framework, through a multilateral legal instrument, or several instruments, that would complement existing ones. Participants discussed whether such an instrument or instruments should be universal and prohibit the development (including the modernization) of nuclear weapons, the testing in all its forms of nuclear weapons, the production of nuclear weapons, the production or use of existing fissile material for nuclear weapons, the possession and stockpiling of nuclear weapons, the transfer of nuclear weapons and the use and threat of use of nuclear weapons. In this context, the option of a treaty banning nuclear weapons was discussed.

36. Taking into account past efforts of unilateral and bilateral nuclear arms control and disarmament measures, delegations discussed a number of concrete multilateral nuclear disarmament measures to be undertaken through legally binding instruments and within a defined timeframe. They also discussed the verification regime for nuclear disarmament established through legally binding instruments.

37. In order to take forward multilateral nuclear disarmament negotiations for achieving and, in particular, maintaining a world without nuclear weapons, delegations discussed the extension of the application of the safeguards regime to all States.

38. The Working Group considered the supportive nature of other legal norms, both existing and proposed ones, for global nuclear disarmament efforts. In addition, it addressed the legality and legitimacy of nuclear weapons. In this context, the stigmatization of nuclear weapons and its legal implications were discussed.

39. The Working Group discussed the evolution of international law since the 1996 advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, including in the areas of international humanitarian law, human rights law and environmental law, and the potential implications for taking forward multilateral nuclear disarmament negotiations. The Group also discussed the evolution of international criminal law as it related to the use or threat of use of nuclear weapons and the idea of undertaking a study of the evolution of international law relevant to the achievement of a world without nuclear weapons, including in the areas of international humanitarian law, human rights law, environmental law and in the legal realm of the International Criminal Court.

E. The role of States and other actors in taking forward multilateral nuclear disarmament for the achievement and maintenance of a world without nuclear weapons

40. The Working Group addressed the role of States and other actors in taking forward nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. It addressed in particular whether States had the same or different roles to play.

41. The Working Group noted that achieving a world without nuclear weapons was a shared responsibility of all States, notably in the light of the catastrophic humanitarian consequences of nuclear weapons. It also noted that while that responsibility was shared and collective, States had differentiated roles and functions.

42. The Working Group shared the view that non-nuclear-weapon States had a role in promoting global nuclear disarmament. It considered that nuclear-weapon States, in particular those with the largest nuclear arsenals, bore a special responsibility in the tasks of achieving nuclear disarmament, including implementing effective measures relating to nuclear disarmament.

43. The Working Group discussed the role of parliamentarians, pertinent international organizations, in particular the United Nations and associated bodies, civil society and academia in taking forward multilateral nuclear disarmament negotiations. In addressing nuclear weapons as a humanitarian and human security issue, the Group considered that States should build partnerships with a wide range of actors.

44. In discussing proposals, the Working Group explored the role of non-nuclear-weapon States in challenging the status and the value attached to nuclear weapons. The role of non-nuclear-weapons States under extended nuclear deterrence guarantees in reducing the salience of nuclear weapons in security doctrines was also discussed. The Group also discussed the role of nuclear-weapon-free zones in challenging the value and legitimacy of nuclear weapons and the potential for greater cooperation among the nuclear-weapon-free zones for promoting nuclear disarmament.

F. Other practical actions that could contribute to taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

45. The Working Group discussed the need to continue to address nuclear disarmament in various forums, including the General Assembly, the Conference on Disarmament, the process for reviewing the Treaty on the Non-Proliferation of Nuclear Weapons and in high-level meetings and summits.

46. The Working Group discussed the role of education for promoting progress towards nuclear disarmament. Participants highlighted the contribution that education could make in increasing understanding about different dimensions of nuclear disarmament, including the humanitarian, economic and environmental consequences of nuclear weapons.

47. The Working Group considered the need to continue to implement the recommendations contained in the report of the Secretary-General on the United Nations study on disarmament and non-proliferation education (A/57/124), including with regard to reporting on a biennial basis on relevant efforts. Participants discussed making greater use of new communications and information technology to disseminate educational materials and raise awareness among the general public, in particularly among young people.

48. Participants discussed the reallocation of funding from nuclear-weapon programmes to other areas, inter alia, economic development, nuclear disarmament and disarmament and non-proliferation education. In addressing the issue of divestment of nuclear weapons, the Working Group discussed the role of the public and private sectors.

49. The Working Group discussed the impact of anti-ballistic missile defence systems and the prevention of an arms race in outer space on nuclear disarmament.

50. The Working Group discussed the need for further work to be done on all the issues related to taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons addressed during the meetings of the Working Group.

V. Adoption of the report

51. At its meetings on 22 and 28 to 30 August, the Working Group considered agenda item 6, entitled "Report to the General Assembly at its sixty-eighth session".

52. At its final meeting, on 30 August, the Working Group adopted its report as contained in A/AC.281/L.1/Rev.1 and A/AC.281/L.2, as orally amended.

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Proposed programme budget for the biennium 2014-2015

Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and the International Residual Mechanism for Criminal Tribunals, judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Report of the Advisory Committee on Administrative and Budgetary Questions

Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and the International Residual Mechanism for Criminal Tribunals, judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/68/188). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 2 October 2013.

2. The report of the Secretary-General was submitted in response to General Assembly resolution 65/258, in which the Assembly decided to re-establish a three-year cycle for the review of the conditions of service and compensation for the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and to undertake the next comprehensive review at its sixty-eighth session. In addition, by its decision 66/556 B of 9 April 2012, the Assembly deferred until the sixty-eighth session its consideration of the recommendations on the pension schemes for the members of the Court and the judges of the Tribunals, as proposed in the report of the Secretary-General and in a related letter from the President of the International Court of Justice addressed to the President of the

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General Assembly (A/66/726). The observations and recommendations of the Advisory Committee thereon are contained in its report contained in document A/66/709.

3. The Advisory Committee notes that since the last comprehensive review and the related General Assembly resolution on this matter (resolution 65/258), a new entity has been established pursuant to Security Council resolution 1966 (2010): the International Residual Mechanism for Criminal Tribunals for Rwanda and for the Former Yugoslavia. The Residual Mechanism was established to carry out a number of essential functions of the respective criminal tribunals after the completion of their mandates. The branch for the Mechanism for the International Criminal Tribunal for Rwanda commenced functioning on 1 July 2012 and the one for the International Tribunal for the Former Yugoslavia, on 1 July 2013. Paragraphs 14 and 15 of the report of the Secretary-General (A/68/188) contain the provisions relating to the terms and conditions, remuneration and benefits for judges of the Mechanism. Specifically, article 8 of the statute of the Mechanism states that the terms and conditions of service of the judges for each day on which they exercise their functions for the Mechanism shall be those of the ad hoc judges of the International Court of Justice. The terms and conditions of service of the President of the Mechanism shall be those of the judges of the International Court of Justice.

4. The review conducted by the Secretary-General covers both remuneration and other conditions of service of the members, judges, ad hoc judges and ad litem judges of these bodies. Conditions of service include the special allowance of the Presidents of the International Court of Justice and the Tribunals and the Vice-Presidents when acting as President; assistance with education costs; survivors' benefits; travel and subsistence regulations; relocation allowance; hardship factors; and retirement benefits.

Remuneration

5. In paragraphs 3 to 20 of his report, the Secretary-General provided background and information on the emoluments of the members and ad hoc judges of the International Court of Justice, the judges and ad litem judges of the Criminal Tribunals and the members and judges of the International Residual Mechanism for the Criminal Tribunals. In paragraph 47, the Secretary-General described the outcome of the present periodic review.

6. In paragraph 3 of his report, the Secretary-General indicated, inter alia, that pursuant to article 32 of the Statute of the International Court of Justice, each member of the Court shall receive an annual salary, and that the salaries and allowances shall be fixed by the General Assembly and may not be decreased during the term of office (see A/68/188). In addition, the statute of the International Tribunal for the Former Yugoslavia provides that the terms and conditions of service of the judges shall be as they are for the judges of the International Court of Justice, while the statute of the International Criminal Tribunal for Rwanda provides that the terms and conditions of service of its judges shall be the same as those of the judges of the International Tribunal for the Former Yugoslavia. Ad hoc judges of the International Court of Justice are compensated for each day they exercise their functions at a rate of one three-hundred-and-sixty-fifth of the sum of the annual salary payable to the

members of the Court. Ad litem judges of the Tribunals receive an annual salary prorated for length of service.

7. Since January 2007, the salaries of the members of the Court and the judges of the Tribunals have comprised an annual base salary with a corresponding post adjustment per index point equal to 1 per cent of the net base salary, to which is applied a post adjustment multiplier for the Netherlands or for the United Republic of Tanzania, as appropriate (see General Assembly resolution 61/262). In paragraph 19 of the report of the Secretary-General it is indicated that, as at 1 January 2012, the annual base salary of the members of the Court and the judges of the two Tribunals stood at $169,098. For the purposes of comparison, table 1 of the report presents information on the evolution of the judges' salaries since January 2011. Annex I to the report contains data illustrating changes in the net remuneration of members of the International Court of Justice, as well as senior Secretariat officials and members of United Nations bodies for the period from January 2005 to January 2013. Annex II illustrates the movement in the salaries for senior officials in The Hague, including those at the level of Under-Secretary-General, the judges of the International Court of Justice and the Judges of the International Criminal Court.

8. On a related matter and upon enquiry, the Advisory Committee was informed that in the United Nations Secretariat it was the practice not to lower salaries, but to freeze them. It was indicated that this was not related to the judges per se but to staff in general. The Committee was further informed that in the *Kaplan* judgement, the United Nations Administrative Tribunal very early in its history made a distinction between contractual and statutory elements in the relations between the United Nations and staff members. The Tribunal stated that contractual elements could not be changed without the agreement of the parties, but that statutory elements might always be changed through regulations established by the General Assembly, with such changes being binding on the staff member. In the view of the Secretariat, among the contractual elements that could not be changed without the agreement of the two parties was the salary of the staff member.

9. The Secretary-General, in paragraph 47 of his report, proposed that no change be effected to the current system of remuneration for members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Residual Mechanism for Criminal Tribunals on the occasion of the present review. Should the General Assembly approve the recommendations of the Secretary-General, the Advisory Committee notes that the standards for the costing of the remuneration in the proposed budget for the biennium 2014-2015 would remain at the level of the revised 2012-2013 appropriations and would not entail additional resource requirements (see A/68/188, para. 53). **The Committee has no objection to the proposal made by the Secretary-General.**

Other conditions of service

10. In paragraphs 21 to 46 of his report, the Secretary-General set out the other conditions of service of the members and ad hoc judges of the Court, the judges and ad litem judges (where applicable) of the two Tribunals and the President and judges of their Residual Mechanism. These include a special allowance of the Presidents and of the Vice-Presidents when acting as President, assistance with education costs, the

survivors' benefit, travel and subsistence regulations, relocation allowances, issues related to the hardship classification of the duty station and retirement benefits. In addition, table 2 of the report sets out a one-time ex gratia payment schedule for ad litem judges of the International Criminal Tribunals, pursuant to the terms of resolution 65/268, in which the Assembly decided to grant the entitlement for such payments upon completion of service for those ad litem judges who had served for a continuous period of more than three years. Annex III of the report contains a comparison of conditions of service and compensation between members, judges and ad litem judges across all the entities under consideration.

11. In paragraphs 48 to 51 of the report, the Secretary-General proposes that no changes be effected to these allowances and conditions of service on the occasion of the periodic review. Should the General Assembly approve the recommendations of the Secretary-General, the Advisory Committee notes that the standards for the costing of these items in the proposed budget for the biennium 2014-2015 would remain at the level of the revised 2012-2013 appropriations and would not entail additional resource requirements.[1] **The Committee has no objection to the proposal made by the Secretary-General.**

12. In paragraph 55 of his report, the Secretary-General indicated that, in view of the three-year cycle re-established for the review of the conditions of service and compensation for the members of the Court, the judges and the ad litem judges of the two Tribunals, pursuant to General Assembly resolution 65/258, the next comprehensive review will be undertaken at the seventy-first session of the Assembly. **The Advisory Committee continues to believe that the three-year review cycle, established by the Assembly in its resolution 45/250 A, is the appropriate one.**

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[1] With the exception of the financial implications arising from any actions taken on the proposals of the Secretary-General on a pension scheme for the members of the International Court of Justice and the judges of the two Tribunals.

United Nations A/68/515/Corr.1

General Assembly

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22 October 2013

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Sixty-eighth session
Agenda item 134
Proposed programme budget for the biennium 2014-2015

Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and the International Residual Mechanism for Criminal Tribunals, judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Report of the Advisory Committee on Administrative and Budgetary Questions

Corrigendum

1. Paragraph 8

For the last sentence *substitute*

In the judgement, the Tribunal listed the salary of staff as one of the contractual elements that could not be changed without the agreement of the two parties.[1]

[1] See United Nations Administrative Tribunal Judgement 19, *Kaplan v. the Secretary-General* (1953), para. 3.

2. Paragraph 11

Existing footnote 1 should be renumbered 2.

13-52629 (E) 231013

Please recycle

United Nations A/68/516

General Assembly

Distr.: General
9 October 2013

Original: English

Sixty-eighth session
Agenda item 129
International Tribunal for the Prosecutsion of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 3 October 2013 from the President of the Security Council addressed to the President of the General Assembly

I have the honour to refer to the letter of 12 June 2013 (S/2013/349) regarding the decision of the Security Council that one permanent judge of the International Tribunal for the Former Yugoslavia should be elected under article 13 bis, paragraph 1, of the statute of the Tribunal, to be immediately assigned and redeployed to the Appeals Chamber.

Having considered the nominations for the one permanent judge received by the Secretary-General, and notwithstanding the letter of 12 June 2013, the members of the Security Council have decided to forward the following nominations to the General Assembly:

Koffi Kumelio A. Afande (Togo)

Thaer S. A. Al Adwan (Jordan)

Ahmad Beygi Habib Abadi (Islamic Republic of Iran)

Thomas Desch (Austria)

Pavel Gontšarov (Estonia)

Gabrielle McIntyre (Australia) — nominated by Saint Vincent and the Grenadines

(*Signed*) Agshin **Mehdiyev**
President of the Security Council

13-50679 (E) 101013

Please recycle

United Nations A/68/517

General Assembly

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10 October 2013

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Sixty-eighth session
Agenda item 133
Programme budget for the biennium 2012-2013

Progress in the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa

Report of the Secretary-General

Summary

Pursuant to section I of General Assembly resolution 63/263, in which the Assembly endorsed the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/63/465), progress reports are to be submitted annually to the Assembly for all ongoing construction projects.

The present report provides an update on the current status of the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa. The latest cost plan for construction is included as an annex to the present report.

Furthermore, in accordance with section III, paragraph 3, of General Assembly resolution 65/259, in which the Assembly requested the Secretary-General to assess the status of conference facilities at the Commission, the present report provides an update on the engagement of consultants and an overview of the renovation work undertaken in respect of the urgently needed repairs that have been identified.

13-50691 (E) 011113

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I. Overview

1. Section II of the present report provides an update on the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa since the previous report of the Secretary-General (A/67/216). Section III provides an overview of the renovation of the conference facilities.

2. By its resolution 56/270, the General Assembly approved the construction of additional office facilities at the Commission. Subsequently, in its resolution 60/248, the Assembly endorsed the expansion of the scope of the project to include the construction of two additional floors. In its resolution 62/238, the Assembly took note of the report of the Secretary-General (A/62/487) and endorsed the related recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.11) for a revised cost estimate totalling $14,333,100.

3. In 2011, the Secretary-General confirmed that the additional funding necessary for the construction of the seventh floor had been made available in the total amount of $1,000,144, comprising $850,000 from the support account for peacekeeping operations in respect of the United Nations Office to the African Union and $150,144 from the budget for the African Union-United Nations Hybrid Operation in Darfur. Such funding would permit construction of the building in accordance with the scope of work. The resources available for the duration of the project currently total $15,333,244.

4. After many delays that were caused mainly by the late delivery of construction materials and poor planning on the part of the contractor, the additional office facilities project is now expected to be completed by 31 December 2013. This positive development, in spite of all the challenges, is attributable to the following factors: (a) the performance of the contractor has substantially improved as a result of the Commission's close monitoring of the project plan and execution; and (b) most of the imported construction materials that were critical to the additional office facilities project are now on site. Central to this positive outcome, however, is the support for the project provided by the Government of Ethiopia. The occupancy of the building by the tenants is now planned to begin in January 2014 and scheduled to be completed within three months.

5. Section III of the present report provides information on the status of the renovation of the conference facilities, in accordance with General Assembly resolution 65/259, in which the Secretary-General was requested to expeditiously assess the status of conference facilities at the Commission, in particular Africa Hall and Conference Room 1, to ensure that they were in strict compliance with the highest international standards for conference facilities, and to report thereon in the context of his next annual progress report on the construction of additional conference facilities at the Commission.

II. Progress in the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa

A. Construction progress

6. As previously reported, the construction contract was signed on 1 April 2010 and work began on 1 May 2010, following four weeks of mobilization. The construction was expected to be substantially completed by the end of February 2012. In the previous report of the Secretary-General on this issue (A/67/216), it was indicated that the completion date had been extended to 31 December 2012. The duration of the construction has been further extended, following the failure of the contractor to meet the completion dates, to 31 December 2013. Construction is to be followed by a three-month interior fit-out period, and building occupancy has been rescheduled to be phased in starting in January 2014.

7. Since the issuance of the previous report of the Secretary-General, the construction focus has been on the completion of the exterior and interior works, including installation of electromechanical items and flooring and ceiling works. Although significant progress has been achieved in this regard, several unforeseen challenges persist. These are being addressed proactively by the project team to ensure the successful completion of the project.

8. Some of these challenges are attributable to the inability to transport some critical components by air, resulting in protracted importation time frames and delayed installation. Limited availability of raw material for production of building materials, such as the granite flooring, has resulted in reduced output and deliveries to the site. Multimodal shipment was required for certain building components, which delayed their assemblage. Having acknowledged the limited capacity of the contractor to fully coordinate the importation of materials, which is the key component for completion of the project, the Commission continues to work closely with the contractor to develop and approve the submission of the list of materials, coordinates with host Government officials to support the importation process and monitors the project plan and the contractor's performance on a weekly basis.

9. The Secretary-General is pleased to report that those efforts have resulted in the receipt of 91 per cent of all required material on site. In addition, the main building was 90 per cent completed as at 30 September 2013.

10. Additional assistance was sought from the host country, through the Ministry of Foreign Affairs, to ensure completion of the project by the contractor according to the contract terms. Furthermore, the Economic Commission for Africa, in close coordination with the Office of Central Support Services, sought the advice of the Office of Legal Affairs regarding the appropriate approach in recovering costs related to the delays. The Office of Legal Affairs has advised the Commission to make use of the retention clause for the time being, in order to limit the risk of counter claims and to retain the right of the United Nations to make future claims.

11. The implementation of energy-efficient measures as part of the building construction remains on schedule. Such measures include installation of occupancy sensors, a passive solar hot water system and an open-office concept that allows for maximum use of natural ventilation and lighting and increased occupancy.

B. Ancillary projects

12. In its resolutions 56/270 and 62/238, the General Assembly approved the required project components related to access, safety and functionality of the office facility. The ancillary projects include the installation of generators and a generator house, the construction of internal access roads and parking, civil and landscaping works, site lighting, sanitary works and interior partitions. The design work for the ancillary projects has been completed, and construction contracts were awarded in May and July 2013 to two separate contractors. As previously reported, the Commission explored all options to ensure the completion of these activities within budget. This included prioritizing the project components that are essential for the move in, negotiating with the selected contractors and carrying out value engineering for each of the project components. Construction of transformer and generator houses and civil, landscaping, sanitary and electrical works started in July 2013 and have been sequenced and prioritized to allow for occupancy while non-critical works continue on site with minimal disruption. The required parking will be constructed at ground level instead of a multistorey parking structure.

13. Although construction of some of the critical components of the ancillary project began in July 2013, the Commission discovered design deficiencies, which, coupled with an unusually early and extremely heavy rainy season, have hindered progress. Despite these unforeseen obstacles, which have caused a delay of approximately two months, the Commission remains optimistic that components essential for occupancy of the additional office facilities will be completed by December 2013. To achieve this goal, an appropriate mitigation strategy has been developed. The strategy includes safeguard measures, such as comprehensive in-house analysis of the remaining activities related to the additional office facilities, and close monitoring and control on a weekly basis.

C. Value engineering

14. Value engineering continues to be exercised for all project activities. As the result of a value engineering exercise, potential additional costs in the main contract in the amount of $375,000 were recently averted through the centralization of the uninterrupted power supply system. These efforts permitted the project to accommodate amendments while remaining within the approved budget. The changes made as a result of the value engineering exercise did not adversely affect the overall building performance, aesthetics or functionality.

15. In addition, each of the ancillary project component designs awarded to date has been evaluated by all stakeholders to ensure that all of the essential scope details have been captured. Value engineering exercises will be undertaken for those that remain. In one of the most recent awards, the site sanitary component was evaluated and it was determined that the open ditch designed around the new office facilities was not required. This change will avoid additional costs of approximately $60,000.

D. Procurement

16. Three elevators that were procured separately arrived on site in February 2012 and installation works were completed in March 2013. They will be commissioned after the substantial completion of the building.

17. During the reporting period, six additional amendments to the construction contract, amounting to $299,336, have been processed.

18. The procurement process for the installation of data and communication network infrastructure has been completed and the installation works are on schedule.

19. The procurement process for required activities of the ancillary projects has been completed. Two contracts have been awarded for a total of five work components, comprising the car ramp construction, electrical installations, sanitary installations, the generator house and the transformer house. With respect to the internal road construction at the additional office facilities, the Commission is finalizing the market survey for labour and material costs. The parking component is being revised based on agreements between the Commission and the contractor. Once the design is revised, this component will be added to the existing contract.

20. Further, the expected delivery for the interior fit-out, which includes office partitions, workstations and furniture, is on schedule. The system furniture was delivered in August 2013.

E. Host country agreement

21. The support of the Government throughout the implementation of the project has been essential in overcoming logistical difficulties and resolving site-related matters. The Commission continues to collaborate actively with the host Government through the Ministry of Foreign Affairs on all issues relating to the delivery of construction materials, exemption from the value-added tax for local purchases and other services required in the interest of the operational efficiency of the project.

22. In accordance with the agreement on the additional office facilities with the host country, arrangements are well under way with the utility service providers to establish timely connections to the electricity network and to provide water connections. To that end, the host Government, through the Ministry of Foreign Affairs, has been actively engaging various Government entities to ensure the timely delivery of these services, including the delivery of the two electrical transformers and switch gear. The Secretary-General wishes to take this opportunity to thank the host Government for its critical support in facilitating the smooth delivery of all required infrastructure components for the project and for the timely completion of the access roads leading to the new entrance of the Economic Commission for Africa compound.

F. Project management

23. The Commission's project management team, which reports directly to the Director of Administration, has had to assume additional tasks in order to deliver the

project successfully. The team assists the contractor and the subcontractors to develop and approve the list of material submittals, coordinates with host Government officials to support the importation process and monitors project plans and performance on a weekly basis. To strengthen these efforts, the team visited facilities and quarries that manufacture components that are critical for the project. During these visits, the owners of the facilities were encouraged to improve output rates and to consider the Commission's requirements as a top priority. These efforts have resulted in significant improvement in the delivery of project inputs, notably for the production and delivery of the aluminium windows and curtain walls.

24. The Executive Secretary of the Economic Commission for Africa continues to oversee the project. The Compound Advisory Committee, which includes the prospective tenants of the facility, continues to be informed of the progress of the project. The prospective tenants have also agreed to the interior partitioning and the move-in plan for system furniture.

25. The independent technical adviser and quantity surveyor, contracted in March 2011 to advise and report to the Director of Administration, continues to perform his role in the verification of executed work, contractor's invoices and major change orders.

26. The respective administrative sections within the Division of Administration and the Security and Safety Section at the Economic Commission for Africa continue to provide additional technical and administrative expertise in their respective areas for both the building construction and the ancillary projects.

27. The Office of Central Support Services continues to provide the necessary coordination, support and guidance on project management and technical matters. The Office and the project management team continue to hold weekly conference calls and monthly senior management videoconferences. The Office also makes periodic visits to the Commission as part of its ongoing project support.

G. Security coordination

28. The installation of security systems for the additional office facilities is being coordinated by the Security and Safety Section of the Economic Commission for Africa as part of the security systems upgrade for the compound that is being executed and funded under the second phase of the standardized access control project (PACT II). The security systems consist of access control, alarm monitoring and a closed-circuit television system. Pre-wiring of these systems is under way and on schedule. The operational devices will be installed during the final stages of construction and will utilize the common infrastructure being put in place for the information and communication services.

29. To meet the current physical security requirements, blast-resistant film has been installed on the window glazing.

H. Occupancy plan

30. Five tenants, the United Nations Office to the African Union, the United Nations Children's Fund, the United Nations High Commissioner for Refugees Regional Liaison Office for Africa, the United Nations Office for Project Services

and the World Health Organization, have issued acceptance letters confirming their intention to take up occupancy and have conveyed their specific requirements regarding the interior planning.

31. The occupancy for the additional office facilities will exceed the originally planned 660 staff members. This level of building occupancy remains consistent with the requirements reported by the Secretary-General in his 2007 report (A/62/487).

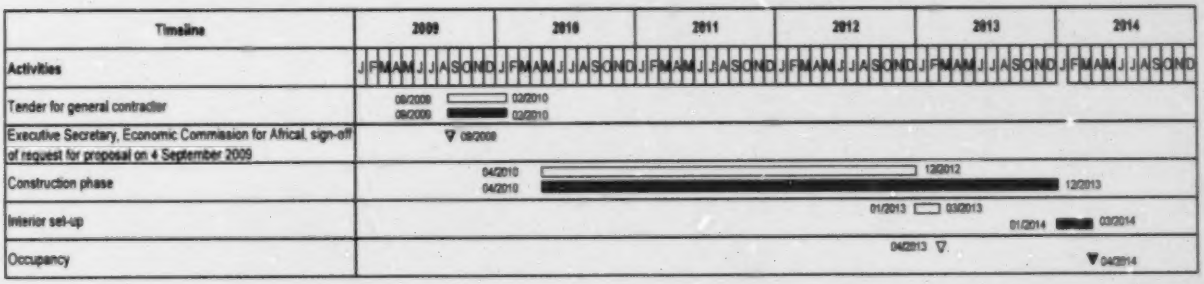
32. The Compound Advisory Committee has approved the open-office furniture concept planned for the building using the system furniture that was delivered in August 2013. The tenants of the additional office facilities will share in the cost of the interior set-up.

33. The prospective tenants of the additional office facilities are briefed periodically on progress in construction and have been given advance notice of the potential delays in occupancy. They have been requested to mitigate such risks by incorporating flexibility into their current lease agreements. A number of tenants have made site visits to ensure additional monitoring of the progress.

I. Project schedule

34. The revised project schedule is shown in the table below. The construction phase has been extended to 31 December 2013.

Revised project schedule for the additional office facilities at the Economic Commission for Africa


Timeline
2009
2010
2011
2012
2013
2014
Activities
J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J A S O N D
Tender for general contractor
08/2009
08/2009
02/2010
02/2010
Executive Secretary, Economic Commission for Africa, sign-off of request for proposal on 4 September 2009
08/2009
Construction phase
04/2010
04/2010
12/2012
12/2013
Interior set-up
01/2013
03/2013
01/2014
03/2014
Occupancy
04/2013
04/2014

Legend:
Project schedule envisaged in the previous report of the Secretary-General (A/67/216)
Current revised project schedule

J. Cost estimates

35. The overall project budget for the additional office facilities remains at $15,333,244, as presented in the previous report of the Secretary-General (A/67/216). A detailed breakdown of the latest cost estimate is provided in the annex to the present report.

36. The changes in the overall project requirements relate to: (a) increased construction costs owing to construction change orders, mainly related to electromechanical works; (b) additional requirements related to the extension of the

contracts for the consulting firms carrying out verification and quality checks of works done by the main contractor; (c) increased requirements for site work, reflecting the escalation in construction costs in the local market since the budgets were established in 2001 and since the construction contracts were awarded in 2013; (d) reduced requirements for information technology equipment in the main fiber backbone connecting the additional office facilities to the Secretariat buildings resulting from value engineering exercises; (e) reduced parking accommodation; and (f) increased cost of a generator owing to the difference in the competitive bid price received in 2012 as compared to the amount budgeted in 2007.

K. Conclusion

37. The Commission is working proactively with the contractor to mitigate the construction delays in the construction of additional office facilities and critical ancillary projects as they occur in order to complete the project construction work by 31 December 2013.

38. The project team has strengthened the process of expediting manufacturing, shipment and installation. In addition, it continues to work diligently and collaborates with the host Government in order to ensure the successful completion of the project.

39. The estimated date for the full occupancy of the building is March 2014.

III. Status of the renovation of conference facilities

40. The General Assembly, in section III, paragraph 3, of its resolution 65/259, requested the Secretary-General to expeditiously assess the status of conference facilities at the Economic Commission for Africa, in particular Africa Hall and Conference Room 1, to ensure that they are in strict compliance with the highest international standards for conference facilities. African Member States have proposed that this renovation should make Africa Hall a monument to modern African history. Accordingly, the Member States proposed that this renovation should include a conference facility with access for persons with disabilities, exhibition and museum spaces, an upgrade of all furniture and conference support installations and the preservation and restoration of historical and cultural values embedded in the architecture.

41. The Secretary-General requested resources of $437,000 in the proposed programme budget for the biennium 2012-2013 (A/66/6 (Sect. 34)) for the first phase of the renovation of Africa Hall. The Commission engaged a consultancy firm to assess the premises and develop the scope of work for the renovation. Unfortunately, the design drawings and report of the consultant were not in line with the scope of the assignment and were unacceptable in many areas. The Commission plans to utilize the remaining resources to engage an international consultant with relevant expertise to carry out the detailed assessment.

42. The renovation of the roof of the conference centre is being implemented in two phases, since the anticipated scope exceeded the budgetary estimates for the biennium 2012-2013. The main reason for the cost increase was concealed damages that were not discovered during testing but only once renovation work had begun.

Phase 1 of the roofing renovation, which consisted of weather proofing and emergency repairs, was successfully completed in December 2012 at a cost of $1,027,724.

43. The implementation of phase 2 of the roof renovation project is necessary to preserve the structural integrity of the building, and for safety and security reasons. Budget estimates for this activity in the amount of $1,125,100 have been presented in the proposed programme budget for the biennium 2014-2015. The technical assessment, including drawings, technical specifications and quantities, has been completed in anticipation of the next phase.

44. The conference facilities renovation component to upgrade the plumbing, drainage system and floor tiling of the conference centre kitchen is in progress. Construction commenced in July 2013 and is scheduled for completion in March 2014. This is expected to reduce the risk of internal leakages in the building and improve the efficiency of catering services for the conference delegates. The estimated cost of renovation of the kitchen is approximately $450,000.

45. The conference facilities renovation component to replace carpets in selected areas of the conference centre is in progress. The Commission carried out a technical assessment of the carpeted floor areas with the goal of phased implementation to minimize disruptions to conferences. The installation of the floor carpets is scheduled for completion by December 2013.

IV. Action to be taken by the General Assembly

46. **The General Assembly is requested to take note of the present report.**

Annex

Current cost plan for the construction of additional office facilities at the Economic Commission for Africa

(United States dollars)

	Expenditure as at 31 December 2012	*Expenditure January-July 2013*	*Projected expenditure August-December 2013*	*Estimated total for 2013*	*Total*
Approved in resolutions 56/270 and 60/248					
Construction costs[a]	7 709 525	–	1 545 585	1 545 585	9 255 110
Design, consultancy services and project coordination	1 515 711	32 919	33 734	66 653	1 582 364
Site work[b]	160 682	1 005 186	383 016	1 388 202	1 548 884
Workstations and furniture	210 000	52 800	–	52 800	262 800
Contingencies[c]	–	–	121 966	121 966	121 966
Approved in resolution 63/263 (programme budget for the biennium 2008-2009)					
Installation of information technology and telephone equipment	593 296	–	231 839	231 839	825 135
Approved in resolution 62/238					
Safety and security[d]	759 800	–	–	–	759 800
Internal access roads[e]	233 742	–	113 170	113 170	346 912
Parking and landscaping[e]	66 258	–	127 400	127 400	193 658
Generators and generator house[e]	155 245	201 495	79 875	281 370	436 615
Total	**11 404 259**	**1 292 400**	**2 636 585**	**3 928 985**	**15 333 244**

[a] Construction costs include the main contract value of $7,451,745, as signed on 1 April 2010; additional resources totalling $1,000,144 from the budgets of the United Nations Office to the African Union and the African Union-United Nations Hybrid Operation in Darfur for the top floor; and amendments 1-10 totalling $1,325,321, less the value engineering savings of $522,100.

[b] Ancillary projects phase II.

[c] Budgeted contingency of $925,186 is shown here at a residual value of $121,966 (lower than the $421,301 reported in 2012) as a result of construction costs escalation.

[d] Resources in the amount of $759,800 for security requirements were approved under section XXIII, safety and security, in resolution 62/238 as part of the programme budget for the biennium 2008-2009.

[e] Ancillary projects phase I.

United Nations A/68/518

General Assembly

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Sixty-eighth session
Agenda items 16, 21 (b), 27 (b) and 55

Information and communications technologies for development

Globalization and interdependence: science and technology for development

Social development: social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

Questions relating to information

Letter dated 8 October 2013 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to write to you on the occasion of the Global Youth Summit, held in San José from 9 to 11 September 2013 under the auspices of our Government and the International Telecommunication Union.

In this connection, I have the pleasure of transmitting herewith a copy of the outcome document, entitled "Costa Rica Declaration" (see annex), and requesting that you have the present letter and its annex circulated to all Members of the United Nations as a document of the sixty-eighth session of the General Assembly under agenda items 16, 21 (b), 27 (b) and 55.

(*Signed*) Eduardo **Ulibarri**
Ambassador
Permanent Representative

13-50939 (E) 141013 241013

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Annex to the letter dated 8 October 2013 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

2013 Costa Rica Declaration

Global Youth Summit

[Original: English and Spanish]

We, the participants of the Global Youth Summit, represented here and online, on behalf of other young people around the world, in recognition of our unique place and role in a deeply transformed and interconnected world, which will be shaped by the post-2015 global development agenda declare the following:

Youth are transforming our world. We are a force for progress. Ensuring our full participation in decision-making processes is vital to improving democracy. We urgently require measurable targets to monitor the empowerment of young people at regional, national and international levels.

We call on Member States to provide more flexible, dynamic, transparent and open structures for governance that engages more directly with citizens.

We call for the creation of open data, information and technical knowledge, in all areas critical to our lives. Health, civic engagement, online protection, environmental protection and economic success all depend on having unfettered access to knowledge which information and communications technologies (ICTs) can extend to everyone. The spread of information among young people can directly foster empowerment and innovation on a global scale.

The key to a new global development agenda is innovation. Old methods and systems are poorly suited to the transformed and interconnected communities we live in today. We call on Member States, civil society and the private sector to foster innovation to build the future we want.

A key barrier is a lack of universal, global access to ICT technologies, platforms and devices and the underlying infrastructure to support them. Youth can act as both beneficiaries and ambassadors for wider and improved access.

We require equitable and universal access to ICTs, particularly for women and girls, and other groups marginalized by the digital divide, for the following reasons (in order of priority):

To get ahead:

- We call on Governments, civil society and the private sector to work together to provide the training and resources young people need to innovate and create the businesses and industries of the future.
- We seek access to education and knowledge-sharing, regardless of where we are or whether we can pay.
- We need new and innovative methods that lower barriers to youth employment and ensure decent, rewarding and fulfilling work.

- We want to ensure all students have access to ICT skills and technologies for their intellectual, economic and political empowerment.
- We require education systems that equip students with the theoretical knowledge and a practical mix of marketable, innovative and relevant skills to compete in a global digital economy.

To change our world:

- We demand a voice. We ask that Member States pursue methods to make voting, openness and accountability more feasible online. We believe this will make Governments more accessible, open and understandable. We further call for sustained, youth-driven mechanisms by which to make our voices heard at local, national and international levels.
- We are deeply concerned by the barriers between leaders and young citizens. We call for innovative use of communication technologies as a means of engaging with those who represent us.
- We seek online spaces where we can share and express the richness and diversity of our cultural heritages and religious practices, break down barriers of intolerance and fear, and build communities based on cultural preservation and mutual respect.
- We seek means to move from social commentary to social change and become more responsible and proactive global citizens, including through strong support for community-based volunteerism.

To respect our environment:

- We seek better access to and dissemination of honest and accurate information on environmental issues and guidance on steps we can take to protect the environment.
- We call on Member States to leverage innovative ICT-based tools for warning, information, preparedness and recovery in the face of natural disasters.
- We urgently require broader and more efficient use of renewable and sustainable energy and food sources, as well as means and methods to further expand their use, most noticeably in the agricultural sector.
- We seek a world where we do not have to choose between quality of life and quality of the environment, through ethically sourced products and commodities, sustainable resource use, green businesses and proper disposal of e-waste.
- We call for commitments from Member States, civil society and businesses to support those who choose to be environmentally responsible, through incentives and rewards.

To be safe:

- We recognize the positive and negative aspects of new technologies and call for information, education and support to make our online communities safe and secure. We urge educational institutions and digital content creators to aid us in this process.

- We advocate that the same rights of freedom of speech, association and privacy granted in the real world be explicitly extended online.
- We urge fellow young people to act and present themselves responsibly online and for educational and social structures to guide us in this process.
- We call for policies and appropriate and effective frameworks that protect the use of private data and intellectual property, and deter online criminal activity.

To be healthy:

- We seek innovative systems which connect people to information on health services, including mental health services, to improve issues of accessibility, affordability and acceptability.
- Geography should not be a barrier to health care. We seek technologies that connect us with health care remotely.
- We seek tools to better inform us about healthy lifestyles and health concerns, which help us act on that information, especially in areas of sexual and reproductive health, and in dealing with issues of disability, including knowledge to reduce problems of stigma and fear associated with many diseases.
- We call for the widespread availability to report and receive information, through ICT, of outbreaks, disasters, epidemics and/or other events which endanger our health.
- We call on Member States to empower young people to develop ICT tools that improve the experience of health care while taking into account best practices and bioethics that are currently part of offline health-care processes.

In conclusion:

We call on the United Nations, the international community and all Member States to consider our words and put them into action. We call upon all young people around the world, in partnership with world leaders, to treat this document not as an outcome but as a starting place for continued dialogue. Young people should be included as full partners in the post-2015 process and preserve the world we want for the youth of tomorrow.